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JOURNAL OF THE SENATE
NINETY-THIRD GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION

FIRST DAY—WEDNESDAY, JANUARY 4, 2006

The Senate was called to order at 12:00 noon by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

“But when one turns to the Lord, the veil is removed.” (2 Corinthians 3:16)

Gracious Lord, we thank You that You are our God and we ask that You open our eyes to see into this new year. Help us see past the hurtful to the brilliance of possibilities in this year, 2006, and provide those who seek You a clear vision of what You require. And since we last gathered, we are mindful of the death of Senator Days’ mother, and together we ask that You be an ever present comfort to her and her family in their season of grief. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Shields announced that photographers from the Associated Press, St. Louis Post Dispatch and KY3 TV had been given permission to take pictures in the Senate Chamber and the Senate photographer had been given permission to take video and use flash in the Senate Chamber and the Senate Gallery today.

**MESSAGES FROM THE
SECRETARY OF STATE**

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE
Ms. Terry Spieler
Jefferson City, MO
Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 29th Senatorial District in the State of Missouri, on the 8th day of November, 2005, as provided by law, the following named person was elected to the office of State Senator, 29th Senatorial District as shown by the election results certified to this office by the election authorities of the 29th Senatorial District.

Name	Office
Jack Goodman	State Senator
819 Tracey Lane	29th Senatorial District
Mt. Vernon, MO 65712	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 22nd day of November, 2005.

SEAL

/s/ Robin Carnahan
Secretary of State

Also,

To the Honorable Senate of the 93rd General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri 2002, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 93rd General Assembly (Second Regular Session) of the State of Missouri, elected at the November 5, 2002 General Election, the November 2, 2004 General Election and at Special Elections held on November 4, 2003, on April 5, 2005 and on November 8, 2005.

IN TESTIMONY WHEREOF, I hereunto set my hand

and affix the official seal of my office this 3rd day of January, 2006.

SEAL /s/ ROBIN CARNAHAN
SECRETARY OF STATE

25th Robert (Rob) Mayer
27th Jason G. Crowell
29th Jack Goodman***
31st Chris Koster
33rd Chuck Purgason

MISSOURI STATE SENATORS
Elected November 5, 2002

District	Name
2nd	(Vacant due to resignation of Jon Dolan)
4th	Patrick Dougherty
6th	Carl Vogel
8th	Matt Bartle
10th	Charles Wheeler
12th	David G. Klindt
14th	Rita Days
16th	Frank Barnitz*
18th	John W. Cauthorn
20th	Dan Clemens
22nd	Bill Alter**
24th	Joan Bray
26th	John Griesheimer
28th	Delbert Scott
30th	Norma Champion
32nd	Gary Nodler
34th	Charlie Shields

* Elected at Special Election held April 5, 2005 to fill vacancy created by the resignation of Sarah Steelman.

**Elected at Special Election held April 5, 2005 to fill vacancy created by the resignation of Stephen Stoll.

MISSOURI STATE SENATORS
Elected November 2, 2004

District	Name
1st	Harry Kennedy
3rd	Kevin Engler
5th	Maida Coleman
7th	John Loudon
9th	Yvonne S. Wilson
11th	Victor Callahan
13th	Timothy P. Green
15th	Michael R. Gibbons
17th	Luann Ridgeway
19th	Chuck Graham
21st	Bill Stouffer
23rd	Chuck Gross

*** Elected at Special Election held November 8, 2005 to fill vacancy created by the death of Larry Gene Taylor.

On roll call the following Senators were present:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

The President declared the Second Regular Session of the 93rd General Assembly convened.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1638

BE IT RESOLVED, by the Senate of the Ninety-third General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-third General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Ninety-third General Assembly, Second Regular Session.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1639

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the

Second Regular Session of the Ninety-third General Assembly is duly convened and is now in session and ready for consideration of business.

President Pro Tem Gibbons assumed the dais and delivered the following address:

Opening Address

**Senator Michael R. Gibbons, President Pro Tem
Second Regular Session, 93rd General Assembly
January 4, 2006**

Lt. Gov. Kinder, members of the Missouri Senate, people of Missouri:

As the dawn breaks on the opening of this session, the 112th in our history, we can see a new foundation for the 21st century beginning to take shape. More Missourians are at work, businesses are choosing Missouri as a place to grow and invest over other states, even other countries. Our children have a better chance at a great education, and we are safer. The future looks bright for the people of Missouri, but it is up to us to finish the hard work of building this new foundation, and to do it well.

2005 was an historic session. From schools, to work, to a day in court – Missourians are seeing changes that make our lives better. Last year, we dedicated more money than ever to our children's education to be distributed by a new formula based upon students' needs rather than local wealth. In a difficult environment, we found the right balance so that all of our children, no matter where they live, can have an equal opportunity for a world class education.

The new foundation we're building also made Missouri a safer place for us to live and raise children. For example, we made it more difficult for meth producers to get the ingredients they need to concoct their dangerous drug, and already have cut production in half. And we will not rest until this evil is eliminated. We created new tools to combat underage drinking by increasing and adding penalties to include minors who are drunk, not just in possession. We protected our children at the homes of others by holding parents responsible for allowing house parties with alcohol. And, we cracked down on drunk driving offenders by creating a new crime making the prison sentence more than four times longer for drunk drivers who kill.

It has also been a year that's seen more jobs for the people of our state. Unemployment in Missouri is back down to where it was before the day the world changed on Sept 11, 2001. More than 38,000 new jobs have been created this past year, including at least 1,100 in manufacturing and 1,000 in construction. In fact, 60 of the manufacturing jobs were created right across the river at the manufacturing firm of ABB; what's exciting is that they chose to close a plant in Canada to expand their operations here, in Missouri.

A key indication of our economic improvement is the growth in the state's general revenue which is growing at a rate nearly double what was hoped for last spring. While we're not out of the woods yet, this improving economy means that we're getting closer to a balanced budget that will allow us to maintain programs while we continue substantial reforms, so that we can provide the services Missourians need, and deserve, without a tax increase.

Workers' compensation rates are coming down. The state's

largest carrier, Missouri Employee Mutual Insurance Company, has announced a five percent decrease in premiums effective this month.

So what does this mean for the average Missourian? It means small businesses like Hellebusch Tool and Die, a manufacturing company in Washington, Missouri, have decided to add new jobs this year. The president of Hellebusch, Wally Hellebusch, says the changes that we made in the workers' compensation laws allowed his company to expand.

Moreover, in neighboring St. Louis County, the Chrysler Group has committed at least one billion dollars in new investment in its plants and equipment bringing 21st century manufacturing to their operations in Fenton. Their cutting edge technology will allow trucks, vans, and cars to be built on the same line, at the same time, based upon demand, without the need to retool, making Chrysler in Fenton a global leader in this technology. This massive investment ensures the two plants' futures and the jobs of thousands of highly skilled, well paid Missouri workers.

The Quality Jobs Act from last year has played a major role in this breathtaking news as have the reforms to our workers' compensation system and our civil justice system. For small businesses like Hellebusch Tool and Die to giant multi-national corporations like Chrysler, it is clear Missouri's economy is on the move. And with that, more people are working at good jobs. The essential hope in the American Dream is that tomorrow will be better and that our dreams can be achieved. This exciting economic news shows that this hope is grounded in reality, that the people are building on a firmer foundation, that our tomorrows are looking better and that our dreams can come true.

Change is constant. As we reform our government to make it work for the people in this modern age, the Missouri Senate is undergoing great change as well. At the start of last year, two members moved on to other positions. In July, we lost our friend and colleague to cancer, Senator Larry Gene Taylor, and Senator Jon Dolan resigned in November to pursue other opportunities.

The election to replace Sen. Dolan will be in April and makes our fourth special election in twelve months, which is unprecedented. This change; however, has brought us good, new members, the latest being Senator Jack Goodman, R-Mt. Vernon, who was elected in November. Senator, you are joining an outstanding group of leaders. We are glad you are with us, and expect many good things from you for the benefit of the people of Missouri.

Let us welcome the Senator from Lawrence.

This year will mark the end, due to term limits, of the Senate careers of the three members that were elected in the historic special election on January 24, 2001, the election that changed control of the Senate for the first time in more than fifty years and ultimately led to a change in control of state government. We look forward to working with the Senators from Harrison, Audrain and St. Louis City, the 4th district; in this, their final session. We also applaud and thank you for the dedication and service you have given to the people of Missouri.

Amidst all of this change at least two things will remain the same; the commitment to excellence and service by our great Senate employees, and our commitment to the civility, character and

reputation of the Missouri Senate.

I would like to thank our Minority Floor Leader, the Senator from the 5th district, and many others who have worked with me to protect the Senate's tradition; that is, a place where the great issues of the day can be debated openly and vigorously, changes proposed, votes taken, and positions decided, so that we can act in accordance with the welfare of the people of this State. However, this is an election year, so we must each work extra hard to have the clash of ideas essential to a robust democracy without the personal attacks or rabid partisanship that is so destructive to our quest; that quest is, to do what is right, to the best of our ability, for the people of this great state. This goal will not be easy to achieve as we continue to debate the great and difficult issues of our time.

Chief among these is our continued effort to reform our healthcare system in Missouri. The Medicaid Reform Commission recently issued its report. It is a remarkable document and should be read carefully by every member. It is available on the Senate website and we invite every Missourian to read the commission's goals for a new healthcare system. Of particular note are some lofty objectives: that all the people of Missouri should have available, affordable healthcare; and that the central focus of healthcare should change to keeping people healthy and preventing illness rather than ONLY treating them when they are sick.

Moreover, an emphasis must be made on technology. Looking at the Hurricane Katrina disaster, consider a family who lived in New Orleans who packed their car with all the belongings they could cram in and escaped to Houston. Whatever was not in their car was destroyed. Yet, if their car was serviced by Jiffy Lube in New Orleans, they could go to one in Houston and know exactly when they last changed the oil, the wipers, and rotated the tires. But they can't even begin to find out when they last had a tetanus shot; those paper records are gone. In the 21st century, this is unacceptable. The Institute of Medicine says between 44,000 and 98,000 people die each year because of errors in paper medical records. This is an outrage. Going to electronic medical records and e-prescribing are examples of reforms we must make - they save lives, improve health and save precious tax dollars for the people who really need the help.

There will be debate on how we reach these goals, but we must reach them. We must work tirelessly to achieve a healthcare system that protects the health of all Missourians. We must also fight to expose fraud where we find it, whether it be perpetrated by caregivers, therapists, doctors, hospitals, equipment providers, pharmaceutical companies, or participants. We must seek vigorous prosecution of all those who cheat the people of Missouri and take money away from those that are in great need. In addition to the reforms listed by the commission, we must change the law where necessary to eliminate fraud, waste and abuse. The special Senate committee on Fraud that I appointed will meet later this month, so that we can expose any fraud in the system and take action to eliminate it this session.

We must also act this year to protect the homes, the farms, and the businesses of the people of Missouri from the abuses of eminent domain and redevelopment tools like Tax Increment Financing or "TIF." I represent the area in Sunset Hills that was subject to a TIF redevelopment. The TIF commission turned the plan down. Despite

that, the city of Sunset Hills approved it anyway. Time does not allow a full discussion of everything else that has happened, but suffice it to say, that in this instance, everyone lost: homeowners who wanted to sell, homeowners who did not want to sell, the businesses in the area, the city of Sunset Hills, its neighbors, everyone.

This disaster cannot be repeated. Complete disregard for the rights of property owners must not be tolerated.

The awesome power of government to take someone's property with just compensation is, at times, necessary to provide for a truly public use and benefit. But, the taxpayer subsidized financial success of one property owner at the expense of another is not a public benefit that allows the government to take someone's home. The property owners of Missouri deserve better. NOW is the time to act. The excess must end.

Our most precious gift in this state, our children, deserve our attention again this year. Their education is the foundation for a bright future, and to that end, we must fully fund the next installment of the school funding formula. This formula, based on student need, rather than local wealth, is our best effort to make sure that all the children in Missouri have a chance to receive a great education so they are prepared for the challenges ahead.

We must also do a better job of protecting the safety of our children. Any sexual predator who might consider harming one of them must know, that the punishment will be swift, certain, and severe. Or to put it another way, we are going to lock the door and throw away the key. Our children deserve it.

They also deserve a child safe Internet, where they can explore the wonders that it offers without the threat of being confronted with shocking images, pornography, or predators attempting to lure them into harmful situations. At a minimum, we must match Federal prison sentences for luring a minor over the Internet as well as expand the search warrant powers over Internet service providers so we can do a better job of prosecuting the vermin that would seduce our kids.

We must also do a more effective job with mandatory background checks for all employees that work with children and ensure a consequence for those employers who fail to make this modest effort. Missouri will be a leader in protecting her children.

And finally, energy is the beating heart of our modern life, and if we expect the people of Missouri to have opportunities in the future, a clean, plentiful supply of energy is essential. We must immediately help our seniors, disabled and low-income Missourians with their high heating bills this winter, but we must also pursue a path to energy abundance and independence.

As we work on the foundation of our future, it is critical that we have an energy plan and begin taking action on it today. Reforming and modernizing our government, economy, education, and healthcare are important to how well we live in the future. Our ability to solve our energy crisis is critical to our survival. As more people use more energy, prices increase while the readily available supply decreases. Ten years ago, people never would have believed that natural gas would cost more than four dollars per unit. This year, it sold for eight dollars a unit in Missouri and 16 dollars a unit on the east coast. We have a serious problem.

I applaud the Governor and his foresight to our energy needs

by establishing the Missouri Energy Taskforce of which I am honored to be a member. We should strive to be a leader in America with an energy plan that utilizes our Agricultural strengths to pursue renewable fuels, cleaner burning technologies, and aggressively pursue hydrogen as a primary fuel source, so that we can be energy independent, and protect the environment. We will be prepared to take the work of this taskforce and transfer it into an energy action plan for the future. Our children and our grandchildren need us to do this for them.

Anyone who has ever built a home knows that the most critical step is building a solid foundation. If it is done well, the home that is constructed will be safe, secure and provide comfort to many generations. We have all been elected to serve at a time of great change that offers wonderful opportunities for the future, but also great risks. In the history of mankind, there has never been a period of change that was as fast, or as sweeping, or as intense as today. State government has not kept up, so many things that we do today are ineffective, outdated, or obsolete. We have proven, this Senate has proven, that we can find common sense solutions to complex problems. But, we have no time to waste as we continue building a strong foundation for the 21st century.

This year's effort must include reforms to begin to make healthcare available and affordable to all; to protect our rights in our homes, and farms, and businesses; to safeguard our children; and to establish an energy action plan. Together with the foundational work from last year, these changes will put Missouri on a strong footing for decades to come. In this room, we have the know-how, the right tools, and the strong leaders. So, let's work together. Our children and grandchildren are counting on us. The time to act is now. And, we must succeed.

President Kinder assumed the Chair.

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

FIRST READING OF PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 557—By Gibbons.

An Act to repeal sections 566.032, 566.062, 566.067, and 589.414, RSMo, and to enact in lieu

thereof ten new sections relating to sexual offenders, with penalty provisions.

SB 558—By Gibbons.

An Act to repeal section 393.310, RSMo, and to enact in lieu thereof one new section relating to experimental tariffs on gas corporations.

SB 559—By Gibbons.

An Act to repeal section 393.705, RSMo, and to enact in lieu thereof one new section relating to joint municipal utility commissions.

SB 560—By Gross.

An Act to repeal sections 99.805, 99.810, 99.825, and 523.205, RSMo, and to enact in lieu thereof ten new sections relating to real estate.

SB 561—By Gross.

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boat admission fee revenue.

SB 562—By Gross.

An Act to repeal sections 188.015 and 188.039, RSMo, and to enact in lieu thereof five new sections relating to the unborn child pain prevention act.

SB 563—By Loudon.

An Act to repeal sections 211.011, 211.071, 217.735, 556.061, 559.106, 566.010, 566.030, 566.032, 566.060, 566.062, 566.067, 566.068, 566.083, 566.090, 566.151, 566.212, 568.080, 568.090, 573.010, 589.400, 589.407, 589.414, and 589.425, RSMo, and to enact in lieu thereof thirty new sections relating to crime, with penalty provisions.

SB 564—By Loudon.

An Act to repeal sections 135.327 and 135.329, RSMo, and to enact in lieu thereof two new sections relating to adoption tax credits, with an emergency clause.

SB 565—By Loudon.

An Act to repeal sections 143.121 and 302.181, RSMo, and to enact in lieu thereof three new sections relating to a tax deduction for organ donation, with an effective date.

SB 566—By Dougherty, Graham, Kennedy and

Bray.

An Act to repeal sections 195.070 and 195.100, RSMo, and to enact in lieu thereof two new sections relating to advanced practice registered nurses.

SB 567—By Dougherty, Graham and Bray.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care coverage for clinical trials.

SB 568—By Dougherty, Wilson and Bray.

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the children's environmental health and protection advisory council.

SB 569—By Cauthorn, Crowell and Mayer.

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to ethanol.

SB 570—By Cauthorn.

An Act to repeal sections 566.030, 566.032, 566.034, 566.060, 566.062, 566.067, 566.068, 566.209, 566.212, 589.407, 589.414, and 589.425, RSMo, and to enact in lieu thereof fourteen new sections relating to sexual offenses, with penalty provisions.

SB 571—By Cauthorn.

An Act to repeal sections 563.011, 563.016, 563.026, 563.031, and 563.036, RSMo, and to enact in lieu thereof seven new sections relating to the justifiable use of force to protect persons and property.

SB 572—By Coleman.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to a scholarship program for children and spouses of veterans killed in combat.

SB 573—By Coleman.

An Act to repeal sections 454.507, 454.512, and 454.515, RSMo, and to enact in lieu thereof three new sections relating to child support.

SB 574—By Coleman.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to kidney disease.

SB 575—By Scott and Nodler.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to unused prescription drugs, with sunset provisions.

SB 576—By Scott, Stouffer and Mayer.

An Act to repeal sections 195.070 and 195.100, RSMo, and to enact in lieu thereof two new sections relating to advanced practice registered nurses.

SB 577—By Scott.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to limiting the number of excursion gambling boat licenses issued by the gaming commission.

SB 578—By Shields.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions.

SB 579—By Shields.

An Act to repeal section 566.086, RSMo, and to enact in lieu thereof one new section relating to sexual contact with a student, with penalty provisions.

SB 580—By Shields.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the creation of a more effective education system.

SB 581—Withdrawn.

SB 582—By Griesheimer.

An Act to repeal section 92.086, RSMo, and to enact in lieu thereof one new section relating to municipal taxation of telecommunication, with an emergency clause.

SB 583—By Griesheimer and Alter.

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof twelve new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

SB 584—By Champion.

An Act to repeal sections 302.272, 302.275, and 302.321, RSMo, and to enact in lieu thereof three new sections relating to school bus drivers, with penalty provisions.

SB 585—By Champion.

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to special needs children adoption tax credit.

SB 586—By Champion.

An Act to repeal section 488.636, RSMo, and to enact in lieu thereof one new section relating to Missouri court-appointed special advocate programs.

SB 587—By Bartle.

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the DNA profiling analysis fund.

SB 588—By Bartle and Scott.

An Act to repeal sections 558.018, 559.100, 566.032, 566.034, 566.062, 566.064, 566.083, 566.151, and 566.212, RSMo, and to enact in lieu thereof eleven new sections relating to sexual offenders, with penalty provisions.

SB 589—By Bartle.

An Act to repeal section 478.463, RSMo, and to enact in lieu thereof one new section relating to the sixteenth judicial circuit.

SB 590—By Nodler and Champion.

An Act to repeal section 173.005, RSMo, and to enact in lieu thereof two new sections relating to higher education.

SB 591—By Nodler.

An Act to repeal sections 640.710, 643.151, and 644.076, RSMo, and to enact in lieu thereof three new sections relating to concentrated animal feeding operations, with penalty provisions.

SB 592—By Nodler and Crowell.

An Act to repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to the crime victims' compensation fund, with penalty provisions.

SB 593—By Bray, Barnitz and Graham.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

SB 594—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto twenty new sections relating to senior citizen homestead deferral of taxes.

SB 595—By Bray.

An Act to repeal sections 143.121 and 143.431, RSMo, and to enact in lieu thereof two new sections relating to nonresident income tax.

SB 596—By Days.

An Act to repeal sections 475.010 and 475.045, RSMo, and to enact in lieu thereof three new sections relating to guardianship of minors.

SB 597—By Days.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for morbid obesity.

SB 598—By Days.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit scores by insurance companies.

SB 599—By Wheeler.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to joint negotiations of physicians.

SB 600—By Wheeler.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for organ donation, with an effective date.

SB 601—By Wheeler.

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment of territories from a public water supply district.

SB 602—By Callahan.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district boundaries.

SB 603—By Callahan.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to exempting certain individuals from proving lawful presence in order to obtain a driver's license.

SB 604—By Callahan.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income taxation of retirement and pension income.

SB 605—By Ridgeway.

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to a tax credit for contributions to pregnancy resource centers.

SB 606—By Ridgeway.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

SB 607—Withdrawn.

SB 608—By Crowell, Engler, Mayer, Nodler and Cauthorn.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to emergency contraception.

SB 609—By Crowell, Engler, Mayer, Nodler and Cauthorn.

An Act to amend chapter 338, RSMo, by adding thereto four new sections relating to protecting conscience rights of pharmaceutical professionals.

SB 610—By Crowell.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof two new sections relating to employee labor organizations.

SB 611—By Engler.

An Act to repeal sections 523.040 and 523.205, RSMo, and to enact in lieu thereof nine new sections relating to eminent domain, with a contingent effective date.

SB 612—By Engler.

An Act to authorize the conveyance of property owned by the state in St. Francois County to the Farmington American Legion Post 416, with

an emergency clause.

SB 613—By Engler and Crowell.

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

SB 614—By Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

SB 615—By Stouffer.

An Act to repeal sections 578.405, 578.407, and 578.409, RSMo, and to enact in lieu thereof three new sections relating to agricultural research and production facilities, with penalty provisions.

SB 616—By Stouffer.

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof three new sections relating to assisted living facilities.

SB 617—By Koster.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to department of mental health facilities.

SB 618—By Koster.

An Act to repeal section 454.530, RSMo, and to enact in lieu thereof one new section relating to child support payments.

SB 619—By Koster.

An Act to repeal section 589.425, RSMo, and to enact in lieu thereof one new section relating to sexual offender registration, with penalty provisions.

SB 620—By Green and Callahan.

An Act to repeal sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, and 290.340, RSMo, and to enact in lieu thereof twenty new sections relating to actions for prevailing wages on public works, with penalty provisions.

SB 621—By Green.

An Act to repeal sections 630.165 and 630.410, RSMo, and to enact in lieu thereof three

new sections relating to mental health facilities, with penalty provisions.

SB 622—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to small business health insurance expenses deduction.

SB 623—By Graham.

An Act to repeal sections 197.200 and 197.215, RSMo, and to enact in lieu thereof two new sections relating to ambulatory surgical centers.

SB 624—By Graham.

An Act to repeal sections 660.600 and 660.603, RSMo, and to enact in lieu thereof two new sections relating to the long-term care ombudsman program.

SB 625—By Graham.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to automated external defibrillators.

SB 626—By Wilson.

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

SB 627—By Wilson.

An Act to repeal sections 210.115 and 210.165, RSMo, and to enact in lieu thereof two new sections relating to persons required to report abuse and neglect, with penalty provisions.

SB 628—By Wilson.

An Act to repeal sections 571.010 and 571.090, RSMo, and to enact in lieu thereof two new sections relating to taser guns, with penalty provisions.

SB 629—By Gross.

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for highway construction materials.

SB 630—By Gross.

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to

the homestead preservation tax.

SB 631—Withdrawn.

SB 632—By Dougherty, Graham, Engler, Kennedy and Bray.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to unlawful credit card practices, with penalty provisions.

SB 633—By Dougherty, Wilson, Graham, Engler and Bray.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to credit risk scores.

SB 634—By Dougherty, Wilson, Graham, Kennedy and Bray.

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to Medicaid benefits.

SB 635—By Cauthorn.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear, with penalty provisions.

SB 636—By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing, with penalty provisions.

SB 637—By Cauthorn, Gross and Barnitz.

An Act to repeal sections 334.010, 334.190, and 334.260, RSMo, and to enact in lieu thereof two new sections relating to the practice of midwifery.

SB 638—By Coleman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to radio frequency identification tags (RFID).

SB 639—By Coleman.

An Act to repeal section 167.680, RSMo, and to enact in lieu thereof three new sections relating to school-related education programs, with an expiration date for certain sections.

SB 640—By Coleman.

An Act to repeal section 567.010, RSMo, and to enact in lieu thereof two new sections relating to

prostitution.

SB 641—By Scott.

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

SB 642—By Scott.

An Act to repeal section 178.930, RSMo, and to enact in lieu thereof one new section relating to sheltered workshop payments.

SB 643—By Scott.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

SB 644—By Shields.

An Act to repeal section 163.031, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to reductions in state aid for school districts with decreases in summer school attendance, with an emergency clause.

SB 645—By Griesheimer.

An Act to repeal section 100.710, RSMo, and to enact in lieu thereof one new section relating to the Missouri business use incentive for large-scale development act.

SB 646—By Griesheimer.

An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts.

SB 647—By Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandated insurance coverage for computerized prosthetic devices.

SB 648—By Champion.

An Act to repeal section 320.010, RSMo, and to enact in lieu thereof one new section relating to entities subject to fire protection regulation.

SB 649—By Champion.

An Act to repeal section 452.340, RSMo, and

to enact in lieu thereof one new section relating to parental child support obligations for children attending institutions of vocational or higher education.

SB 650—By Champion.

An Act to repeal sections 174.453 and 174.500, RSMo, and to enact in lieu thereof two new sections relating to the board of governors of Missouri State University, with an emergency clause.

SB 651—By Bartle.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

SB 652—By Bartle.

An Act to repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to the authority to construct, maintain, and operate toll facilities, with a contingent effective date.

SB 653—By Bartle.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to special education services in school districts located at least partially in Jackson County.

SB 654—By Nodler.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to an associate degree scholarship program, with sunset provisions.

SB 655—By Nodler.

An Act to repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to student loans.

SB 656—By Nodler.

An Act to repeal sections 173.005 and 173.616, RSMo, and to enact in lieu thereof two new sections relating to out-of-state public institutions of higher education.

SB 657—By Bray.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to health care disclosure.

SB 658—By Bray, Days and Graham.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to contraception.

SB 659—By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

SB 660—By Days.

An Act to amend chapter 103, RSMo, by adding thereto two new sections relating to the health plan for state employees, with an emergency clause and an effective date.

SB 661—By Ridgeway.

An Act to repeal sections 115.225, 115.237, 115.249, 115.439, 115.449, and 115.453, RSMo, and to enact in lieu thereof six new sections relating to voting a straight political party ticket.

SB 662—By Crowell.

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to higher education funding.

SB 663—By Crowell.

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to employer purchasing alliances.

SB 664—By Crowell.

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

SB 665—By Engler.

An Act to repeal section 252.040, RSMo, and to enact in lieu thereof one new section relating to poaching, with penalty provisions.

SB 666—By Engler.

An Act to amend chapter 320, RSMo, by adding thereto four new sections relating to volunteer firefighter job protection act.

SB 667—By Engler.

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the establishment of memorial highways.

SB 668—By Koster.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for organ donation, with an effective date.

SB 669—By Koster.

An Act to repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to the failure of yielding the right-of-way at intersections, with penalty provisions.

SB 670—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for higher education expenses.

SB 671—By Green.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the public assistance beneficiary employer disclosure act.

SB 672—By Green.

An Act to repeal sections 99.805, 99.810, and 99.845, RSMo, and to enact in lieu thereof eight new sections relating to tax increment financing, with an effective date.

SB 673—By Graham.

An Act to repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, and 174.621, RSMo, and to enact in lieu thereof eleven new sections relating to the governing boards of certain state higher education institutions.

SB 674—By Wilson and Days.

An Act to amend chapter 160, RSMo, by adding thereto two new sections relating to bullying in schools.

SB 675—By Wilson, Days and Graham.

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

SB 676—By Wilson.

An Act to repeal sections 105.458, 160.405, and 160.415, RSMo, and to enact in lieu thereof three new sections relating to charter schools.

SB 677—By Gross.

An Act to repeal sections 192.400, 192.410, and 192.420, RSMo, and to enact in lieu thereof three new sections relating to radiation control.

SB 678—By Gross.

An Act to repeal sections 32.051 and 143.072, RSMo, relating to certain quarterly tax collection reports.

SB 679—By Gross.

An Act to repeal section 172.287, RSMo, and to enact in lieu thereof one new section relating to the extension of the grant program regarding the University of Missouri's capital improvements for its engineering programs.

SB 680—By Dougherty, Wilson, Graham, Kennedy and Bray.

An Act to amend chapter 407, RSMo, by adding thereto nine new sections relating to release of personal information to unauthorized persons, with penalty provisions.

SB 681—By Dougherty.

An Act to repeal sections 103.003, 103.005, 103.036, 148.320, and 354.130, RSMo, and to enact in lieu thereof six new sections relating to the Missouri consolidated health care plan.

SB 682—By Cauthorn.

An Act to repeal sections 143.121 and 143.124, RSMo, and to enact in lieu thereof two new sections relating to income taxation.

SB 683—By Cauthorn.

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

SB 684—By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to fishing permits.

SB 685—By Coleman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to gift certificates, with penalty provisions.

SB 686—By Coleman.

An Act to repeal section 701.304, RSMo, and to enact in lieu thereof one new section relating to lead abatement.

SB 687—By Scott.

An Act to repeal section 192.935, RSMo, and to enact in lieu thereof two new sections relating to vision examinations for school children.

SB 688—By Scott.

An Act to repeal section 301.451, RSMo, and to enact in lieu thereof one new section relating to the purple heart specialty license plate.

SB 689—By Scott.

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof eighteen new sections relating to ethics, with penalty provisions.

SB 690—By Champion.

An Act to repeal sections 210.145 and 210.183, RSMo, and to enact in lieu thereof two new sections relating to a child abuse or neglect investigation involving the death of a child.

SB 691—By Champion.

An Act to repeal section 143.265, RSMo, and to enact in lieu thereof one new section relating to withholding of retirement income.

SB 692—By Champion.

An Act to repeal section 208.345, RSMo, and to enact in lieu thereof one new section relating to public assistance recipients.

SB 693—By Bartle and Crowell.

An Act to repeal section 287.905, RSMo, and to enact in lieu thereof one new section relating to appointment of new directors to the board of the Missouri employers mutual insurance company.

SB 694—By Bartle.

An Act to repeal sections 197.305, 197.310, 197.311, 197.315, 197.317, 197.318, 197.325, 197.326, 197.330, 197.340, 197.345, 197.355, and 197.357, RSMo, and to enact in lieu thereof thirteen new sections relating to certificate of need, with penalty provisions.

SB 695—By Nodler.

An Act to repeal section 105.030, RSMo, and to enact in lieu thereof one new section relating to appointment of public officers.

SB 696—By Nodler and Crowell.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for common motor carriers.

SB 697—By Nodler.

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the sole purpose of exempting dealers who sell emergency vehicles from certain dealer licensure requirements.

SB 698—By Bray and Graham.

An Act to repeal sections 379.316, 383.150, and 538.225, RSMo, and to enact in lieu thereof sixteen new sections relating to medical malpractice, with an emergency clause.

SB 699—By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

SB 700—By Bray and Days.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices based on gender.

SB 701—By Crowell.

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof one new section relating to educational benefits for members of the Missouri national guard.

SB 702—By Crowell, Mayer and Cauthorn.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to public funds.

SB 703—By Crowell, Engler and Nodler.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to pregnancy resource centers.

SB 704—By Engler and Mayer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial bridge designations.

SB 705—By Engler and Cauthorn.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees, with an effective date.

SB 706—By Wilson and Days.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to embryonic stem cell research.

SB 707—By Wilson.

An Act to repeal section 160.400, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to charter schools, with an emergency clause.

SB 708—By Wilson.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition grants for certain military members.

SB 709—By Cauthorn.

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to sales taxes on certain items sold by canteens or commissaries.

SB 710—By Cauthorn.

An Act to repeal section 335.066, RSMo, and to enact in lieu thereof two new sections relating to complaints against licensed nurses.

SB 711—By Cauthorn.

An Act to repeal section 273.405, RSMo, and to enact in lieu thereof one new section relating to animal adoption.

SB 712—By Scott.

An Act to authorize the conveyance of property owned by the state in Pettis County to the Heart of Missouri Girl Scout Council.

SB 713—By Champion.

An Act to repeal section 23.205, RSMo, and to enact in lieu thereof one new section relating to the dates of reports to be filed by the joint committee on legislative research.

SB 714—By Nodler.

An Act to repeal sections 196.973, 196.979, and 196.981, RSMo, and to enact in lieu thereof three new sections relating to unused prescription drugs, with penalty provisions.

SB 715—By Bray.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

SB 716—By Bray, Wheeler, Days, Graham and Wilson.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 717—By Bray and Graham.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

SB 718—By Crowell and Mayer.

An Act to repeal section 100.281, RSMo, and to enact in lieu thereof one new section relating to the development finance board.

SB 719—By Crowell.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the prohibition of certain traffic control devices.

SB 720—By Crowell.

An Act to repeal sections 197.305, 197.315,

197.317, 197.325, 197.340, 197.345, 197.355, 197.357, and 197.366, RSMo, and to enact in lieu thereof nine new sections relating to certificate of need.

SB 721—By Wilson.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to distribution of a controlled substance near a park, with penalty provisions.

SB 722—By Cauthorn.

An Act to repeal sections 197.200 and 197.215, RSMo, and to enact in lieu thereof two new sections relating to ambulatory surgical centers.

SB 723—By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to deer carcass removal from state highways.

SB 724—By Cauthorn.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to clinical laboratories.

SB 725—By Bray, Griesheimer, Barnitz and Graham.

An Act to repeal section 311.325, RSMo, and to enact in lieu thereof one new section relating to culinary students who taste, but do not consume, certain alcoholic beverages for instructional purposes, with penalty provisions.

SB 726—By Bray.

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to formation of a new political party.

SB 727—By Bray.

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to employment of retirees of the public school retirement system.

SB 728—By Crowell.

An Act to repeal section 197.315, RSMo, and to enact in lieu thereof one new section relating to certificate of need.

SB 729—By Crowell.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil actions for damages.

SB 730—By Crowell.

An Act to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to voter identification.

SB 731—By Cauthorn.

An Act to repeal sections 476.083 and 571.090, RSMo, and to enact in lieu thereof one new section relating to concealable firearm permits.

SB 732—By Cauthorn.

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to biodiesel fuel.

SB 733—By Cauthorn.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

SB 734—By Bray.

An Act to repeal sections 36.390, 106.010, 168.116, and 168.118, RSMo, and to enact in lieu thereof thirteen new sections relating to public employee due process.

SB 735—By Crowell.

An Act to repeal sections 287.480, 288.240, 537.690, and 595.036, RSMo, and to enact in lieu thereof four new sections relating to applications for review or appeal filed with the labor and industrial relations commission.

SB 736—By Crowell and Cauthorn.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to teaching the Bible in public schools.

SB 737—By Crowell and Engler.

An Act to amend chapter 407, RSMo, by adding thereto three new sections relating to consumer credit reports.

SB 738—By Cauthorn.

An Act to repeal section 190.550, RSMo, and to enact in lieu thereof one new section relating to emergency service fees.

SB 739—By Cauthorn.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for diesel fuel.

SB 740—By Cauthorn.

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to medical assistance eligibility.

SB 741—By Crowell.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to taxation of pension and retirement income.

SB 742—By Crowell.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to motor fuel tax exemptions.

SB 743—By Crowell.

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the tax-me-more voluntary fund.

SB 744—By Klindt.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption on diesel fuel used for agricultural purposes.

SB 745—By Klindt and Engler.

An Act to repeal section 226.527, RSMo, and to enact in lieu thereof one new section relating to outdoor advertising.

SB 746—By Klindt.

An Act to repeal section 79.060, RSMo, and to enact in lieu thereof one new section relating to the board of alderman in fourth class cities.

SB 747—By Klindt.

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to used car dealer courses.

SB 748—By Vogel and Engler.

An Act to repeal sections 104.403 and 104.404, RSMo, and to enact in lieu thereof two new sections relating to state employee retirement incentive, with an emergency clause.

SB 749—By Engler.

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to interior designers.

SB 750—By Gross.

An Act to repeal section 393.310, RSMo, and to enact in lieu thereof one new section relating to experimental tariffs of gas corporations, with an expiration date.

SB 751—By Stouffer.

An Act to repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

SB 752—By Graham.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to license plate covers.

SB 753—By Alter.

An Act to amend chapter 589, RSMo, by adding thereto one new section relating to sexual offenders at schools, with penalty provisions.

SB 754—By Scott.

An Act to repeal sections 302.302 and 304.580, RSMo, and to enact in lieu thereof four new sections relating to highway work lane safety, with penalty provisions.

SB 755—By Clemens.

An Act to repeal section 288.035, RSMo, and to enact in lieu thereof one new section relating to owner/operator employment security.

SB 756—By Clemens.

An Act to repeal sections 334.706, 334.708, 334.715, and 334.721, RSMo, and to enact in lieu thereof four new sections relating to licensure of athletic trainers.

SB 757—By Clemens.

An Act to repeal section 252.043, RSMo, and to enact in lieu thereof two new sections relating to illegal deer harvest.

SB 758—By Engler.

An Act to repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to lane restrictions for large trucks, with penalty

provisions.

SB 759—By Engler.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to proof of financial responsibility for the issuance of temporary license plates, with penalty provisions.

SB 760—By Engler.

An Act to repeal section 490.733, RSMo, and to enact in lieu thereof one new section relating to hazardous materials.

SB 761—By Stouffer.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the enforcement of certain federal or state orders prohibiting the operation of commercial motor vehicles.

SB 762—By Graham, Green, Wilson, Callahan, Barnitz, Coleman and Days.

An Act to amend chapter 407, RSMo, by adding thereto four new sections relating to a Missouri no-mail list, with an effective date for a certain section.

SB 763—By Alter.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to beer.

SB 764—By Engler.

An Act to repeal section 589.402, RSMo, and to enact in lieu thereof one new section relating to newspaper publication of sexual offender information.

SB 765—By Dougherty.

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment.

SB 766—By Vogel.

An Act to repeal section 143.782, RSMo, and to enact in lieu thereof one new section relating to income tax set offs.

SB 767—By Graham.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to statewide elected official aircraft act.

SB 768—By Graham.

An Act to repeal sections 546.070, 650.056, and 650.057, RSMo, and to enact in lieu thereof sixteen new sections relating to the criminal justice system, with penalty provisions.

SB 769—By Mayer.

An Act to amend chapter 165, RSMo, by adding thereto one new section relating to authorization of additional fund transfers for school districts meeting certain qualifications, with a termination date and an emergency clause.

SB 770—By Mayer and Crowell.

An Act to repeal section 50.565, RSMo, and to enact in lieu thereof one new section relating to the county law enforcement restitution fund, with penalty provisions.

SB 771—By Mayer.

An Act to repeal section 511.350, RSMo, and to enact in lieu thereof one new section relating to liens on property.

SB 772—By Green.

An Act to repeal sections 144.081 and 144.140, RSMo, and to enact in lieu thereof one new section relating to seller's retention of sales tax.

SB 773—By Cauthorn and Barnitz.

An Act to amend chapter 348, RSMo, by adding thereto one new section relating to acquisition of dairy cows.

SB 774—By Bartle.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to funding for the life sciences research trust fund.

SB 775—By Cauthorn.

An Act to repeal sections 274.090, 274.110, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to cooperative associations.

SB 776—By Nodler, Crowell, Loudon and Cauthorn.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to the teaching of sex education in the public schools.

SB 777—By Bray and Days.

An Act to amend chapter 354, RSMo, by

adding thereto twenty-one new sections relating to the Missouri universal health assurance program with a contingent effective date for certain sections.

SB 778—By Ridgeway, Shields, Purgason, Nodler, Vogel, Scott, Cauthorn, Clemens, Stouffer, Engler, Alter, Griesheimer, Barnitz, Koster, Bray and Dougherty.

An Act to repeal section 306.030, RSMo, and to enact in lieu thereof two new sections relating to the state water patrol.

SB 779—By Engler.

An Act to repeal sections 287.127 and 288.130, RSMo, and to enact in lieu thereof three new sections relating to labor posting requirements, with penalty provisions.

SB 780—By Klindt.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the public counsel.

SB 781—By Ridgeway.

An Act to repeal sections 301.215, 306.435, and 700.385, RSMo, and to enact in lieu thereof three new sections relating to the process of obtaining repossession titles.

SB 782—By Engler.

An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment or detention, with penalty provisions.

SB 783—By Engler.

An Act to repeal sections 632.484, 632.489, and 632.495, RSMo, and to enact in lieu thereof three new sections relating to sexually violent predators.

SB 784—By Alter.

An Act to repeal section 574.010, RSMo, and to enact in lieu thereof one new section relating to disturbance of the peace, with penalty provisions.

SB 785—By Alter.

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to duties of jailers.

SB 786—By Graham.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 787—By Klindt.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the maintenance of state highway rest areas.

SB 788—By Klindt.

An Act to repeal section 323.100, RSMo, and to enact in lieu thereof five new sections relating to the Missouri propane safety act.

SB 789—By Dougherty.

An Act to repeal sections 211.011, 211.021, 211.083, and 211.181, RSMo, and to enact in lieu thereof four new sections relating to juvenile courts, with penalty provisions:

SB 790—By Clemens.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to the financial independence through education act.

SB 791—By Mayer and Kennedy.

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to the highway patrol retirement system.

SB 792—By Mayer.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for clinical trials.

SB 793—By Engler.

An Act to amend chapter 473, RSMo, by adding thereto one new section relating to public administrators.

SJR 21—By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 43 (a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation sales tax.

SJR 22—By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of

Missouri, and adopting one new section in lieu thereof relating to transportation of elementary and secondary school students.

SJR 23—By Bartle, Shields and Nodler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri, and adopting one new section relating to the power to determine public school funding.

SJR 24—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

SJR 25—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 20 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the legislative sessions of the general assembly.

SJR 26—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of veterans' organizations.

SJR 27—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizen's commission on the compensation for elected officials.

SJR 28—By Engler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to eminent domain.

SJR 29—By Engler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 21 of article VI of the Constitution of Missouri, relating to reclamation of blighted, substandard, or insanitary areas.

SJR 30—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri relating to stem cell research.

SJR 31—By Ridgeway and Shields.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26 (b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bonded indebtedness of school districts.

SJR 32—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to qualifications and duties of the state auditor.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 794—By Kennedy.

An Act to repeal sections 99.820, 523.040 and 523.205, RSMo, and to enact in lieu thereof eight new sections relating to eminent domain.

SB 795—By Kennedy and Griesheimer.

An Act to repeal section 250.140, RSMo, and to enact in lieu thereof one new section relating to delinquent water and sewer service bills.

SB 796—By Dougherty, Bray, Days, Kennedy, Coleman, Wheeler, Callahan, Wilson, Barnitz, Green and Graham.

An Act to repeal section 208.145, RSMo, and to enact in lieu thereof one new section relating to medical assistance.

SB 797—By Crowell.

An Act to amend chapter 195, RSMo, by adding thereto eight new sections relating to a prescription monitoring program, with penalty provisions and an effective date.

SB 798—By Nodler.

An Act to repeal sections 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633 and 621.045, RSMo, and to enact in lieu thereof seven new sections relating to architects, professional engineers, and land surveyors, with penalty provisions.

SB 799—By Engler.

An Act to repeal section 226.550, RSMo, and to enact in lieu thereof one new section relating to miscellaneous fees for erecting and maintaining outdoor advertising structures.

SB 800—By Shields.

An Act to repeal section 431.180, RSMo, and to enact in lieu thereof one new section relating to contracts for private design or construction work.

SB 801—By Shields.

An Act to repeal section 115.077, RSMo, and to enact in lieu thereof one new section relating to election costs.

SB 802—By Shields.

An Act to amend chapter 249, RSMo, by adding thereto one new section relating to sewer districts in certain counties, with an emergency clause.

SB 803—By Griesheimer.

An Act to repeal section 313.805, RSMo, and to enact in lieu thereof one new section relating to powers of the Missouri gaming commission.

SB 804—By Gross.

An Act to repeal section 506.150, RSMo, and to enact in lieu thereof one new section relating to service of summons and petitions in civil actions.

SB 805—By Gross.

An Act to repeal sections 140.250, 140.340, and 140.405, RSMo, and to enact in lieu thereof three new sections relating to collection of delinquent taxes.

SB 806—By Gross.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the founding documents protection act.

SB 807—By Gross.

An Act to repeal sections 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to the health care provider tax, with an emergency clause.

SB 808—By Ridgeway.

An Act to repeal sections 186.016, 186.018, 186.019, and 301.3112, RSMo, and to enact in lieu thereof one new section relating to the Missouri Women's Council.

SB 809—By Graham.

An Act to repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

SJR 33—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 45 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to congressional apportionment.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Daniel J. Abbott, 10125 Zenith Court, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Seismic Safety Commission, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Michelle Ray, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2005, while the Senate was not in session.

Peggy E. Adams, 619 Villa Gardens Drive, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Child Abuse and Neglect Review Board B, for a term ending April 7, 2006, and until her successor is duly appointed and qualified; vice, Susan Lauritsen, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Douglas A. Albrecht, Republican, 550 Barnes Road, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Douglas A. Albrecht, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by

me on September 19, 2005, while the Senate was not in session.

M. Kathleen Alexander, 12620 West Highway EE, Rocheport, Boone County, Missouri 65279, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2008, and until her successor is duly appointed and qualified; vice, M. Kathleen Alexander, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Richard F. Baalman, Sr., Republican, 515 Middleton Court, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2009, and until his successor is duly appointed and qualified; vice, Jane Klieve, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Jack C. Baker, Democrat, Rural Route 1 Box 259, Butler, Bates County, Missouri 64730, as a member of the Air Conservation Commission, for a term ending October 14, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2005, while the Senate was not in session.

Katharine H. Barondeau, 108 Amanda Drive, Columbia, Boone County, Missouri 65010, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2009, and until her successor is duly appointed and qualified; vice, Catherine Leapheart, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

John L. Bogner, 5970 Pennbrooke Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Board of Geologist Registration, for a term ending April 11, 2007, and until his successor is duly appointed and qualified; vice, John L. Bogner, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Rachelle R. Brown, Republican, 305 Paxton Street, Platte City, Platte County, Missouri 64079, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice, James Johnson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2005, while the Senate was not in session.

Doris J. Carlin, 210 South Sergeant Avenue, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2011, and until her successor is duly appointed and qualified; vice, John F. Younghanz, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2005, while the Senate was not in session.

Gloria J. Carter-Hicks, 16811 Sunset Circle Drive, Wildwood, Saint Louis County, Missouri 63640, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2005, while the Senate was not in session.

Adolfo Castillo, Republican, 3394 South Loma Linda Drive, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2009, and until his successor is duly appointed and qualified; vice, Elise M. Crain, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2005, while the Senate was not in session.

Joanne M. Collins, Republican, 4030 Bellefontaine Avenue, Kansas City, Jackson County, Missouri 64130, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2008, and until her successor is duly appointed and qualified; vice, Miguel Madrigal, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Samuel M. "Sam" Coryell, 5367 South Castlebay Drive, Springfield, Greene County, Missouri 65809, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until his successor is duly appointed and qualified; vice, Arie Crawford, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2005, while the Senate was not in session.

Anita L. Coulter, 30006 State Highway N, Conception Junction, Nodaway County, Missouri 64434, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, Anthony Myers, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 6, 2005, while the Senate was not in session.

Christopher C. Dalton, Republican, 10228 North Shelby Avenue, Kansas City, Platte County, Missouri 64154, as a member of the Platte County Board of Election Commissioners, for a term ending January 11, 2009, and until his successor is duly appointed and qualified; vice, Joseph Swarts, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2005, while the Senate was not in session.

Charles W. Davis, 18832 Wildhorse Creek Road, Wildwood, St. Louis County, Missouri 63005, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2011, and until his successor is duly appointed and qualified; vice, Mary Vernassie, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

William M. Duff, M.D., 6552 Robyn Point, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2008, and until his successor is duly appointed and qualified; vice, William M. Duff, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on September 21, 2005, while the Senate was not in session.

Christopher D. Filer, 28710 South Highway, Garden City, Cass County, Missouri 64747, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, Mary Young, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 6, 2005, while the Senate was not in session.

Reid K. Forrester, Republican, 2508 West Avondale, Poplar Bluff, Butler County, Missouri 63901, as a member of the Board of Probation and Parole, for a term ending December 10, 2005 and until his successor is duly appointed and qualified; vice, Denis Agniel, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Jovita M. Foster, Democrat, 2140 Nebraska Avenue, Saint Louis City, Missouri 63104, as a member of the Credit Union Commission, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Lori Levine, term expired.

Respectfully submitted,
MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Ronnie D. Fox, Republican, 1136 Carissa Court, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2006, and until his successor is duly appointed and qualified; vice, Barbara B. Adelman, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Cathy L. Frier, O.D., 2920 South First Street, El Dorado Springs, Cedar County, Missouri 64744, as a member of the State Board of Optometry, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Charles Royce Fugate, 2605 Lee Anna Drive, West Plains, Howell County, Missouri 65775, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2008, and until his successor is duly appointed and qualified; vice, Charles Royce Fugate, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Jeffery N. Garnatz, 1024 Harvard, Columbia, Boone County, Missouri 65203, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Diane Priest, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Peggy R. Gettemeier, 1072 Chatelet Drive, Ferguson, Saint Louis County, Missouri 63135, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2006, and until her successor is duly appointed and qualified; vice, Kristine Moranville, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Elizabeth K. Grove, 36970 Monroe Road 370, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2008, and until her successor is duly appointed and qualified; vice, H. Dwight Douglas, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Gurnie C. Gunter, Democrat, 5116 Lawn Avenue, Kansas City, Jackson County, Missouri 64130, as a member of Lincoln University Board of Curators, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, Julius Dix, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by

me on October 14, 2005, while the Senate was not in session.

Gale Hackman, Democrat, 246 Virginia Trail, Jefferson City, Cole County, Missouri 65109, as a member of the State Milk Board, for a term ending September 28, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Robert B. Herrmann, 1469 Oak Bluff Lane, Saint Louis, St. Louis County, Missouri 63108, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Donald D. Hester, 1035 County Road 251, Chaffee, Scott County, Missouri 63740, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, David Heath, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2005, while the Senate was not in session.

Katherine D. Hilton, 23153 Green Hills Road, Lebanon, Laclede County, Missouri 65536, as a member of the Child Abuse and Neglect Review Board A, for a term ending April 7, 2007, and until her successor is duly appointed and qualified; vice, Mary Z. Taylor, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 14, 2005, while the Senate was not in session.

Eugene J. Hites, Democrat, 210 North Norwine, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2006, and until his successor is duly appointed and qualified; vice, John Boyer, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by

me on September 21, 2005, while the Senate was not in session.

Thomas J. Irwin, Democrat, 646 Arbor Haven Drive, Ballwin, Saint Louis County, Missouri 63021, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2006, and until his successor is duly appointed and qualified; vice, Michael Shanahan, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2005, while the Senate was not in session.

Jaye A. Jackson, Democrat, 1416 Mockingbird Drive, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2008, and until her successor is duly appointed and qualified; vice, Nancy Reynolds, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Quentin L. Jennings, Democrat, 2107 Grand Boulevard Unit 104, Kansas City, Jackson County, Missouri 64108, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Quentin L. Jennings, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Charles A. Juden, 202 Thomas, Sikeston, Scott County, Missouri 63801, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Kennard Whitfield, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 6, 2005, while the Senate was not in session.

Ben W. Kessler, Republican, 10687 Country View Drive, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Terrence G. Klamet, Democrat, 1849 Shiloh Valley Drive, Wildwood, Saint Louis County, Missouri 63005, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2009 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Leon Kreisler, Republican, Route 2 Box 888J, Salem, Dent County, Missouri 65560, as a member of the State Soil and Water District Commission, for a term ending August 15, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2005, while the Senate was not in session.

Peggy Kubicek, 1623 West Berkeley, Springfield, Greene County, Missouri 65807, as a member of the County Employees Retirement Fund, for a term ending December 31, 2009, and until her successor is duly appointed and qualified; vice, 50.1030 RSMo.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 28, 2005, while the Senate was not in session.

Lois A. Linton, Republican, 322 Algonquin Drive, Ballwin, Saint Louis County, Missouri 63011, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2009, and until her successor is duly appointed and qualified; vice, Claudetta Feemster, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Terri R. Marty, 112 West 6th Street, Fulton, Callaway County, Missouri 65251, as a member of the State Committee for Social Workers, for a term ending July 23, 2008 and until her successor is duly appointed and qualified; vice, Paul Sundet, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on October 27, 2005, while the Senate was not in session.

James F. Mauze, 91 Pointer Lane, Saint Louis City, Missouri 63124, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2010, and until his successor is duly appointed and qualified; vice, Emma Brent, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2005, while the Senate was not in session.

Lewis L. McKinney, 1 Portland Court, Saint Louis, Saint Louis County, Missouri 63108, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2009, and until his successor is duly appointed and qualified; vice, Jacob Johnson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2005, while the Senate was not in session.

Mary K. Meek, 5326 South Clayhill, Springfield, Greene County, Missouri 65804, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, Benjamin Utichelle, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Baughn T. Meredith, Democrat, 2703 South Ward Avenue, Caruthersville, Pemiscot County, Missouri 63830, as a member of the State Soil and Water District Commission, for a term ending August 15, 2006, and until his successor is duly appointed and qualified; vice, L. Van Ausdall, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2005, while the Senate was not in session.

Mark F. Miller, 1221 SW Creekside Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2009, and until his successor is duly appointed and qualified; vice, Robin Vogt, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Steven D. Millikan, Republican, 7701 Chimney Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2007, and until his successor is duly appointed and qualified; vice, Linda Picou, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Randall L. Moore, 1530 Lindgate Drive, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2008, and until his successor is duly appointed and qualified; vice, Elizabeth Grove, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Judith Anne Moskoff, Republican, 9850 Litzsinger Road, Ladue, Saint Louis County, Missouri 63124, as a member of the Missouri Community Service Commission, for a term ending December 12, 2007, and until her successor is duly appointed and qualified; vice, Theodore Wenzlick, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2005, while the Senate was not in session.

Rick J. Muenks, 2172 East Richmond Street, Springfield, Greene County, Missouri 65804, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2008, and until his successor is duly appointed and qualified; vice, Doug Potts, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

James V. "Jim" O'Donnell, 47 Clermont Lane, Ladue, Saint Louis County, Missouri 63124, as a member of the Public School Retirement System of Missouri, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, John Kruse, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on December 5, 2005, while the Senate was not in session.

Daniel R. Orme, 4101 Roxbury Court, Columbia, Boone County, Missouri 65203, as a member of the State Committee of Psychologists, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, Glenn Good, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Sharad P. Parikh, M.D., 11634 West Florissant Avenue, Florissant, Saint Louis County, Missouri 63033, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Sharad P. Parikh, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Gwenna Peters, 1208 Elsdon Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2007, and until her successor is duly appointed and qualified; vice, Gwenna Peters, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Deborah Kay Polc, 4203 South Kerrington Drive, Independence, Jackson County, Missouri 64055, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2010, and until her successor is duly appointed and qualified; vice, Deborah Kay Polc, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Verl T. Pope, 2700 Oakshire Circle, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2009, and until his successor is duly appointed and qualified; vice, William Wilson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Jimmy W. Pyron, 14318 Highway V, Diamond, Newton County, Missouri 64840, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, John Jermyn, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Jonathan D. "David" Rogers, 12620 Cinnamon Court, Rolla, Phelps County, Missouri 65401, as a member of the Seismic Safety Commission, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Phyllis Steckel, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Herbert J. Schmidt, 2428 East 26th Street, Joplin, Jasper County, Missouri 64802, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, Ronald Randen, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

William B. Siebenborn, Democrat, 611 Northeast 45th Street, Trenton, Grundy County, Missouri 64683, as a member of the State Milk Board, for a term ending September 28, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice Francis G. Slack, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on October 27, 2005, while the Senate was not in session.

Dawn Standley, 5776 Bluebird, Osage Beach, Camden County, Missouri 65065, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2007, and until her successor is duly appointed and qualified; vice, Bernard Wesley, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Angela N. Stiffler, Republican, 700 East 8th Street Apartment P-5, Kansas City, Jackson County, Missouri 64106, as a member of the Missouri Community Service Commission, for a term ending December 12, 2007, and until her successor is duly appointed and qualified; vice, Robin Greger, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2005, while the Senate was not in session.

Gary F. Toelke, 34 Edwards Circle, Union, Franklin County, Missouri 63084, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, William Ferrell, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Wayne Val Jean, 814 Whitman, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Robert Pearson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 30, 2005, while the Senate was not in session.

Martin D. Vernon, Democrat, 5132 Hughes Drive, Hartville, Wright County, Missouri 65667, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2010, and until his successor is duly appointed and qualified; vice, Jerry Griffin, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by

me on September 30, 2005, while the Senate was not in session.

Merrill D. Wade, 16363 Champion Drive, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Small Business Regulatory Fairness Board, for a term ending April 30, 2008, and until his successor is duly appointed and qualified; vice, Merrill D. Wade, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 18, 2005, while the Senate was not in session.

Kevin D. Wallace, D.D.A., 7981 East Farm Road 186, Rogersville, Greene County, Missouri 65742, as a member of the Missouri Dental Board, for a term ending October 16, 2010, and until his successor is duly appointed and qualified; vice, Larry Jackson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2005, while the Senate was not in session.

Greg White, 3239 Frog Hollow Road, Jefferson City, Cole County, Missouri 65109, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2006, and until his successor is duly appointed and qualified; vice, John Waldschlager, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2005, while the Senate was not in session.

Michael K. Whitehead, Republican, 4613 North East Jamestown Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2006, and until his successor is duly appointed and qualified; vice, Michael K. Whitehead, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Stanley D. Whitehurst, Republican, 173 Hill Haven Road, Marshfield, Webster County, Missouri 65706, as a member of the Missouri Community Service Commission, for a term ending December 12, 2007, and until his successor is duly appointed and qualified; vice, Matthew Wilson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on December 5, 2005, while the Senate was not in session.

John L. Winston, 8510 Skyline, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Missouri State University Board of Governors, for a term ending August 28, 2011, and until his successor is duly appointed and qualified; vice, RSMo. 174.450.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

David C. Zimmermann, Democrat, 5 River Cover, Crystal City, Jefferson County, Missouri 63019, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2010, and until his successor is duly appointed and qualified; vice, Gwendolyn Grant, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2005 while the Senate was not in session.

James B. Callis, 615 West Broadway Boulevard, Sedalia, Pettis County, Missouri 65302, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2005, while the Senate was not in session.

Thomas J. Carlson, Democrat, 1414 North Benton Avenue, Springfield, Greene County, Missouri 65802, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2010, and until his successor is duly appointed and qualified; vice, Jeffery Simon, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2005, while the Senate was not in session.

Robert J. Crawford, Republican, 54372 Highway HH, Hannibal, Ralls County, Missouri 63401, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; vice, Katherine Tyler, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by

me on September 20, 2005, while the Senate was not in session.

Robert Davis, 3 Garden Place, Montgomery City, Montgomery County, Missouri 63361, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2006, and until his successor is duly appointed and qualified; vice, Thomas Greenwell, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2005, while the Senate was not in session.

Jerrell L. Driver, 2034 Broadway, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the State Committee of Psychologists, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, E. Thomas Copeland, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 27, 2005, while the Senate was not in session:

Brian D. Dunlop, 314 West Jackson, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Peter Schloss, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2005, while the Senate was not in session.

Thomas F. George, Ph.D., 401 Woods Hall One University Boulevard, Saint Louis City, Missouri 63121, as a member of the Midwestern Higher Education Commission, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Elson Floyd, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 27, 2005, while the Senate was not in session:

Vincent D. Hillyer, Post Office Box 189, Saint James, Phelps, Missouri 65559, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, John Rogers, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment made and commissioned by me on October 12, 2005 while the Senate was not in session.

Mary Beth Luna, 5739 Pernod, Saint Louis City, Missouri 63139, as the Governor's Designee to the Midwestern Higher Education Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 173.705 RSMo.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2005 while the Senate was not in session:

Sheryl L. Maxwell, 400 East Benton, Lilbourn, New Madrid County, Missouri 63862, as a member of the Children's Trust Fund Board, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 27, 2005, while the Senate was not in session:

Sarah E. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Kimberly Carlos, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Linda Roebuck, 4707 King Salmon, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102 RSMo.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2005, while the Senate was not in session.

Deborah Scott, 26049 Shiloh, Centertown, Cole County, Missouri 65023, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102 RSMo.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by

me on September 27, 2005, while the Senate was not in session.

Maria G. Taxman, 6241 Alexander Drive, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Small Business Regulatory Fairness Board, for a term ending April 30, 2007, and until her successor is duly appointed and qualified; vice, 536.305 RSMo.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2005, while the Senate was not in session.

Craig Westfall, 4671 Highway H, Half Way, Polk County, Missouri 65663, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Darrell Robertson.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 4, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 7, 2005, while the Senate was not in session:

Chester L. White, 1632 Hickory Nut Lane, Jefferson City, Cole County, Missouri 65109, as Executive Director of the Personal Advisory Board, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, Alma McKinney, term expired.

Respectfully submitted,
MATT BLUNT
Governor

CONCURRENT RESOLUTIONS

Senators Ridgeway, Wheeler and Coleman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby support observer status for Taiwan in the World Health Organization; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, Secretary of State of the United States, Director of the United States Department of Health and Human Services, and the Executive Director of the World Health Organization.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-third General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-third General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 11, 2006, to receive a message from His Excellency, the Honorable Matt Blunt, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-third General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-third General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 25, 2006, to receive a message from His Honor Chief Justice Michael A. Wolff, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-third General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 3**.

HOUSE CONCURRENT RESOLUTION NO. 3

BE IT RESOLVED by the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, February 7, 2006, to receive a message from Pete K. Rahn, Director of the Missouri Department of Transportation; and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

December 15, 2005

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointment, Chair of Transportation Committee

Dear Mrs. Spieler:

Due to the vacancy created by the resignation of Senator Jon Dolan effective November 11, I hereby appoint **Senator Bill Stouffer** as

Chairman of the Transportation Committee.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

January 3, 2006

Senator Michael R. Gibbons
President, Pro Tem
State Capitol, Room 326
Jefferson City, MO 65109
Dear Senator Gibbons,

Please accept this letter as my resignation as a member and Vice-Chair of the Ways and Means Committee.

Respectfully,
/s/Chris Koster
CHRIS KOSTER
Missouri State Senate

Also,

January 3, 2006

The Honorable Michael Gibbons
President Pro Tem
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

Effective immediately I am resigning as a member of the Senate Financial and Governmental Organizations and Elections Committee.

If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,
/s/Gary Nodler
Gary Nodler
State Senator, 32nd District

Also,

January 3, 2006

The Honorable Michael Gibbons
Missouri State Senate
Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

Effective immediately, I am resigning from the Senate Committee on Judiciary and Civil and Criminal Jurisprudence.

If you have any questions, please feel free to contact my office.
Thank you.

Sincerely,
/s/John Loudon
Senator John Loudon

Also,

January 3, 2006

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby making the following Committee changes:

Senator Carl Vogel to Financial and Governmental Organizations and Elections to replace Senator Gary Nodler

Senator Gary Nodler to Ways and Means to replace Senator Chris Koster

Senator Jack Goodman to Judiciary and Civil and Criminal Jurisprudence to replace Senator John Loudon

Senator Chris Koster to Commerce, Energy and the Environment to replace Senator Jon Dolan

Senator Chris Koster to serve as Vice Chair of Economic Development, Tourism and Local Government

Yours truly,
/s/Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 3, 2006

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby appointing Senator Jack Goodman to the following committees to fill the vacancy created by the death of Senator Larry Taylor:

Aging, Families, Mental and Public Health
Economic Development, Tourism and Local Government
Ways and Means as Vice Chair

Yours truly,
/s/Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 4, 2006

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby appointing Senator Bill Alter to the Transportation

Committee to fill the vacancy created by the death of Senator Larry Gene Taylor.

Yours truly,
/s/Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 4, 2006

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby appointing Senator David Klindt to the Governor's Energy Task Force.

Yours truly,
/s/Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

On behalf of President Pro Tem Gibbons,
Senator Shields submitted the following:

SENATE HEARING SCHEDULE
93rd GENERAL ASSEMBLY
SECOND REGULAR SESSION
JANUARY 4, 2006

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Gross)	Appropriations SCR 2 (Gross)	
8:30 a.m.		Commerce, Energy and the Environment SL (Klindt)	Gubernatorial Appointments SL (Gibbons) Aging, Families, Mental and Public Health SCR 1 (Champion)	Ways and Means SCR 1 (Vogel)
12:30 p.m.	Appropriations SCR 2 (Gross)			
1:00 p.m.		Transportation SL (Stouffer)	Agriculture, Conservation, Parks and Natural Resources SL (Clemens) Rules, Joint Rules, Resolutions and Ethics SCR 1 (Shields)	
1:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)			
2:00 p.m.	Governmental Accountability and Fiscal Oversight SCR 1 (Cauthorn)	Education SCR 1 (Nodler)	Small Business, Insurance and Industrial Relations SCR 1 (Loudon)	
3:00 p.m.		Pensions, Veterans' Affairs and General Laws SL (Crowell)	Economic Development, Tourism and Local Government SL (Griesheimer)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

SL - Senate Lounge SCR 1 - Senate Committee Rm. 1, Room 118 SCR 2 - Senate Committee Rm. 2, Room 119

RESOLUTIONS

Senator Days offered Senate Resolution No. 1640, regarding the Office Depot, Overland, which was adopted.

Senator Crowell offered Senate Resolution No. 1641, regarding Brandon Likirgus Doran, Jackson, which was adopted.

Senator Barnitz offered Senate Resolution No. 1642, regarding Walter Ryan, Linn, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; Tom Flanigan, Carthage; and Stan Melton, Freemont Hills.

Senator Scott introduced to the Senate, Reverend Tom Willoby, Eldorado Springs; and Shaelyn McClanahan, Cedar Falls, Iowa.

Senator Loudon introduced to the Senate, Nick Bengston, Wildwood; Hannah Brown, Newburg; B.J. Tanksley, Cape Girardeau; and the Physician of the Day, Dr. Tom Stamos, M.D., Chesterfield.

Senator Kennedy introduced to the Senate, Megan Clark, Columbia.

Senator Gibbons introduced to the Senate, Misty Snodgrass, Jefferson City.

Senator Dougherty introduced to the Senate, Cathy Brown and Melissa Horn, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY--THURSDAY, JANUARY 5, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 557-Gibbons	SB 594-Bray
SB 558-Gibbons	SB 595-Bray
SB 559-Gibbons	SB 596-Days
SB 560-Gross	SB 597-Days
SB 561-Gross	SB 598-Days
SB 562-Gross	SB 599-Wheeler
SB 563-Loudon	SB 600-Wheeler
SB 564-Loudon	SB 601-Wheeler
SB 565-Loudon	SB 602-Callahan
SB 566-Dougherty, et al	SB 603-Callahan
SB 567-Dougherty, et al	SB 604-Callahan
SB 568-Dougherty, et al	SB 605-Ridgeway
SB 569-Cauthorn, et al	SB 606-Ridgeway
SB 570-Cauthorn	SB 608-Crowell, et al
SB 571-Cauthorn	SB 609-Crowell, et al
SB 572-Coleman	SB 610-Crowell
SB 573-Coleman	SB 611-Engler
SB 574-Coleman	SB 612-Engler
SB 575-Scott and Nodler	SB 613-Engler and Crowell
SB 576-Scott, et al	SB 614-Stouffer
SB 577-Scott	SB 615-Stouffer
SB 578-Shields	SB 616-Stouffer
SB 579-Shields	SB 617-Koster
SB 580-Shields	SB 618-Koster
SB 582-Griesheimer	SB 619-Koster
SB 583-Griesheimer and Alter	SB 620-Green and Callahan
SB 584-Champion	SB 621-Green
SB 585-Champion	SB 622-Green
SB 586-Champion	SB 623-Graham
SB 587-Bartle	SB 624-Graham
SB 588-Bartle and Scott	SB 625-Graham
SB 589-Bartle	SB 626-Wilson
SB 590-Nodler and Champion	SB 627-Wilson
SB 591-Nodler	SB 628-Wilson
SB 592-Nodler and Crowell	SB 629-Gross
SB 593-Bray, et al	SB 630-Gross

SB 632-Dougherty, et al	SB 678-Gross
SB 633-Dougherty, et al	SB 679-Gross
SB 634-Dougherty, et al	SB 680-Dougherty, et al
SB 635-Cauthorn	SB 681-Dougherty
SB 636-Cauthorn	SB 682-Cauthorn
SB 637-Cauthorn, et al	SB 683-Cauthorn
SB 638-Coleman	SB 684-Cauthorn
SB 639-Coleman	SB 685-Coleman
SB 640-Coleman	SB 686-Coleman
SB 641-Scott	SB 687-Scott
SB 642-Scott	SB 688-Scott
SB 643-Scott	SB 689-Scott
SB 644-Shields	SB 690-Champion
SB 645-Griesheimer	SB 691-Champion
SB 646-Griesheimer	SB 692-Champion
SB 647-Griesheimer	SB 693-Bartle and Crowell
SB 648-Champion	SB 694-Bartle
SB 649-Champion	SB 695-Nodler
SB 650-Champion	SB 696-Nodler and Crowell
SB 651-Bartle	SB 697-Nodler
SB 652-Bartle	SB 698-Bray and Graham
SB 653-Bartle	SB 699-Bray
SB 654-Nodler	SB 700-Bray and Days
SB 655-Nodler	SB 701-Crowell
SB 656-Nodler	SB 702-Crowell, et al
SB 657-Bray	SB 703-Crowell, et al
SB 658-Bray, et al	SB 704-Engler and Mayer
SB 659-Bray	SB 705-Engler and Cauthorn
SB 660-Days	SB 706-Wilson and Days
SB 661-Ridgeway	SB 707-Wilson
SB 662-Crowell	SB 708-Wilson
SB 663-Crowell	SB 709-Cauthorn
SB 664-Crowell	SB 710-Cauthorn
SB 665-Engler	SB 711-Cauthorn
SB 666-Engler	SB 712-Scott
SB 667-Engler	SB 713-Champion
SB 668-Koster	SB 714-Nodler
SB 669-Koster	SB 715-Bray
SB 670-Green	SB 716-Bray, et al
SB 671-Green	SB 717-Bray and Graham
SB 672-Green	SB 718-Crowell and Mayer
SB 673-Graham	SB 719-Crowell
SB 674-Wilson and Days	SB 720-Crowell
SB 675-Wilson, et al	SB 721-Wilson
SB 676-Wilson	SB 722-Cauthorn
SB 677-Gross	SB 723-Cauthorn

SB 724-Cauthorn	SB 770-Mayer and Crowell
SB 725-Bray, et al	SB 771-Mayer
SB 726-Bray	SB 772-Green
SB 727-Bray	SB 773-Cauthorn and Barnitz
SB 728-Crowell	SB 774-Bartle
SB 729-Crowell	SB 775-Cauthorn
SB 730-Crowell	SB 776-Nodler, et al
SB 731-Cauthorn	SB 777-Bray and Days
SB 732-Cauthorn	SB 778-Ridgeway, et al
SB 733-Cauthorn	SB 779-Engler
SB 734-Bray	SB 780-Klindt
SB 735-Crowell	SB 781-Ridgeway
SB 736-Crowell and Cauthorn	SB 782-Engler
SB 737-Crowell and Engler	SB 783-Engler
SB 738-Cauthorn	SB 784-Alter
SB 739-Cauthorn	SB 785-Alter
SB 740-Cauthorn	SB 786-Graham
SB 741-Crowell	SB 787-Klindt
SB 742-Crowell	SB 788-Klindt
SB 743-Crowell	SB 789-Dougherty
SB 744-Klindt	SB 790-Clemens
SB 745-Klindt and Engler	SB 791-Mayer and Kennedy
SB 746-Klindt	SB 792-Mayer
SB 747-Klindt	SB 793-Engler
SB 748-Vogel and Engler	SB 794-Kennedy
SB 749-Engler	SB 795-Kennedy and Griesheimer
SB 750-Gross	SB 796-Dougherty, et al
SB 751-Stouffer	SB 797-Crowell
SB 752-Graham	SB 798-Nodler
SB 753-Alter	SB 799-Engler
SB 754-Scott	SB 800-Shields
SB 755-Clemens	SB 801-Shields
SB 756-Clemens	SB 802-Shields
SB 757-Clemens	SB 803-Griesheimer
SB 758-Engler	SB 804-Gross
SB 759-Engler	SB 805-Gross
SB 760-Engler	SB 806-Gross
SB 761-Stouffer	SB 807-Gross
SB 762-Graham, et al	SB 808-Ridgeway
SB 763-Alter	SB 809-Graham
SB 764-Engler	SJR 21-Cauthorn
SB 765-Dougherty	SJR 22-Cauthorn
SB 766-Vogel	SJR 23-Bartle, et al
SB 767-Graham	SJR 24-Bartle
SB 768-Graham	SJR 25-Clemens
SB 769-Mayer	SJR 26-Ridgeway

SJR 27-Crowell
SJR 28-Engler
SJR 29-Engler
SJR 30-Graham

SJR 31-Ridgeway and Shields
SJR 32-Graham
SJR 33-Graham

RESOLUTIONS

HCR 1-Dempsey (Shields)
HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

To be Referred

SCR 21-Ridgeway, et al

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SECOND REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 5, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord shall watch over your going out and your coming in, for this time forth forevermore." (Psalm 121:8)

Gracious God, as we commute back and forth from the Capitol to our homes and back and forth again and again, help us to be mindful of our responsibilities while driving and truly watch over our "going out and coming in." Bring us safely back to those we love and may we be found in Your house of prayer this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter

Barnitz

Bartle

Bray

Callahan

Coleman

Engler

Green

Klindt

Nodler

Shields

Wilson—33

Cauthorn

Crowell

Gibbons

Griesheimer

Koster

Purgason

Stouffer

Champion

Days

Goodman

Gross

Loudon

Ridgeway

Vogel

Clemens

Dougherty

Graham

Kennedy

Mayer

Scott

Wheeler

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1643, regarding James Farley, Platte County, which was adopted.

Senator Shields offered Senate Resolution No. 1644, regarding Carl M. Myers, M.D., Platte County, which was adopted.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1645

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post

Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 1** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Purgason Wheeler—2

Vacancies—1

Senator Bray requested unanimous consent of the Senate to withdraw **SB 698**, which request was granted.

INTRODUCTION OF BILLS

SB 810—By Dougherty, Bray, Days, Kennedy, Coleman, Wilson, Graham, Callahan, Barnitz and Green.

An Act to repeal section 208.014, RSMo, and to enact in lieu thereof one new section relating to medical assistance.

SB 811—By Bray, Dougherty, Days, Coleman and Wilson.

An Act to repeal sections 379.316, 383.150,

and 538.225, RSMo, and to enact in lieu thereof twelve new sections relating to medical malpractice insurance, with an emergency clause.

SB 812—By Cauthorn.

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to the location and removal of public utility equipment, with penalty provisions.

SB 813—By Ridgeway.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physician contractual relationships.

SB 814—By Coleman.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits for low income household purchases of personal computers.

SB 815—By Coleman.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to sentencing discretion.

SB 816—By Griesheimer and Coleman.

An Act to amend chapter 143, RSMo, by adding thereto five new sections relating to the fair competition in video act.

SB 817—By Scott, Koster, Callahan, Mayer, Green and Gibbons.

An Act to repeal sections 287.896 and 374.790, RSMo, and to enact in lieu thereof one new section relating to workers compensation insurance.

SB 818—By Scott.

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

SB 819—By Scott.

An Act to repeal section 327.391, RSMo, and to enact in lieu thereof one new section relating to professional engineer and land surveyor licenses.

SB 820—By Koster.

An Act to repeal section 33.700, RSMo, and to enact in lieu thereof one new section relating to the governmental emergency fund.

MESSAGES FROM THE GOVERNOR

The following addendum was received from the Governor, reading of which was waived:

January 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Vincent D. Hillyer to the Child Abuse and Neglect Review Board, submitted on January 4, 2006. Line 3 should be amended as follows:

“term ending April 7, 2008, and until his successor is duly appointed and”

Respectfully submitted,
Matt Blunt

President Pro Tem Gibbons referred the above addendum and the gubernatorial appointments appearing on pages 20-38 of the Senate Journal for Wednesday, January 4, 2006 to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SCR 21** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Gibbons submitted the

following:

January 2, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Reappointment to the Missouri State Unemployment Council

Dear Mrs. Spieler:

Pursuant to Section 288.475, RSMo, I am reappointing Janet Poppen to the Missouri State Unemployment Council.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, the Physician of the Day, Catherine M. Dunn, M.D., Ballwin.

Senator Coleman introduced to the Senate, Rory Roundtree, Kirksville.

Senator Dougherty introduced to the Senate, Cathy Brown and Melissa Horn, Columbia.

Senator Gross introduced to the Senate, Maggie Wolcott, Smithville; and Ross Branson, Jefferson City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 9, 2006.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 9, 2006

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 557-Gibbons
SB 558-Gibbons

SB 559-Gibbons
SB 560-Gross

SB 561-Gross	SB 606-Ridgeway
SB 562-Gross	SB 608-Crowell, et al
SB 563-Loudon	SB 609-Crowell, et al
SB 564-Loudon	SB 610-Crowell
SB 565-Loudon	SB 611-Engler
SB 566-Dougherty, et al	SB 612-Engler
SB 567-Dougherty, et al	SB 613-Engler and Crowell
SB 568-Dougherty, et al	SB 614-Stouffer
SB 569-Cauthorn, et al	SB 615-Stouffer
SB 570-Cauthorn	SB 616-Stouffer
SB 571-Cauthorn	SB 617-Koster
SB 572-Coleman	SB 618-Koster
SB 573-Coleman	SB 619-Koster
SB 574-Coleman	SB 620-Green and Callahan
SB 575-Scott and Nodler	SB 621-Green
SB 576-Scott, et al	SB 622-Green
SB 577-Scott	SB 623-Graham
SB 578-Shields	SB 624-Graham
SB 579-Shields	SB 625-Graham
SB 580-Shields	SB 626-Wilson
SB 582-Griesheimer	SB 627-Wilson
SB 583-Griesheimer and Alter	SB 628-Wilson
SB 584-Champion	SB 629-Gross
SB 585-Champion	SB 630-Gross
SB 586-Champion	SB 632-Dougherty, et al
SB 587-Bartle	SB 633-Dougherty, et al
SB 588-Bartle and Scott	SB 634-Dougherty, et al
SB 589-Bartle	SB 635-Cauthorn
SB 590-Nodler and Champion	SB 636-Cauthorn
SB 591-Nodler	SB 637-Cauthorn, et al
SB 592-Nodler and Crowell	SB 638-Coleman
SB 593-Bray, et al	SB 639-Coleman
SB 594-Bray	SB 640-Coleman
SB 595-Bray	SB 641-Scott
SB 596-Days	SB 642-Scott
SB 597-Days	SB 643-Scott
SB 598-Days	SB 644-Shields
SB 599-Wheeler	SB 645-Griesheimer
SB 600-Wheeler	SB 646-Griesheimer
SB 601-Wheeler	SB 647-Griesheimer
SB 602-Callahan	SB 648-Champion
SB 603-Callahan	SB 649-Champion
SB 604-Callahan	SB 650-Champion
SB 605-Ridgeway	SB 651-Bartle

SB 652-Bartle	SB 696-Nodler and Crowell
SB 653-Bartle	SB 697-Nodler
SB 654-Nodler	SB 699-Bray
SB 655-Nodler	SB 700-Bray and Days
SB 656-Nodler	SB 701-Crowell
SB 657-Bray	SB 702-Crowell, et al
SB 658-Bray, et al	SB 703-Crowell, et al
SB 659-Bray	SB 704-Engler and Mayer
SB 660-Days	SB 705-Engler and Cauthorn
SB 661-Ridgeway	SB 706-Wilson and Days
SB 662-Crowell	SB 707-Wilson
SB 663-Crowell	SB 708-Wilson
SB 664-Crowell	SB 709-Cauthorn
SB 665-Engler	SB 710-Cauthorn
SB 666-Engler	SB 711-Cauthorn
SB 667-Engler	SB 712-Scott
SB 668-Koster	SB 713-Champion
SB 669-Koster	SB 714-Nodler
SB 670-Green	SB 715-Bray
SB 671-Green	SB 716-Bray, et al
SB 672-Green	SB 717-Bray and Graham
SB 673-Graham	SB 718-Crowell and Mayer
SB 674-Wilson and Days	SB 719-Crowell
SB 675-Wilson, et al	SB 720-Crowell
SB 676-Wilson	SB 721-Wilson
SB 677-Gross	SB 722-Cauthorn
SB 678-Gross	SB 723-Cauthorn
SB 679-Gross	SB 724-Cauthorn
SB 680-Dougherty, et al	SB 725-Bray, et al
SB 681-Dougherty	SB 726-Bray
SB 682-Cauthorn	SB 727-Bray
SB 683-Cauthorn	SB 728-Crowell
SB 684-Cauthorn	SB 729-Crowell
SB 685-Coleman	SB 730-Crowell
SB 686-Coleman	SB 731-Cauthorn
SB 687-Scott	SB 732-Cauthorn
SB 688-Scott	SB 733-Cauthorn
SB 689-Scott	SB 734-Bray
SB 690-Champion	SB 735-Crowell
SB 691-Champion	SB 736-Crowell and Cauthorn
SB 692-Champion	SB 737-Crowell and Engler
SB 693-Bartle and Crowell	SB 738-Cauthorn
SB 694-Bartle	SB 739-Cauthorn
SB 695-Nodler	SB 740-Cauthorn

SB 741-Crowell	SB 785-Alter
SB 742-Crowell	SB 786-Graham
SB 743-Crowell	SB 787-Klindt
SB 744-Klindt	SB 788-Klindt
SB 745-Klindt and Engler	SB 789-Dougherty
SB 746-Klindt	SB 790-Clemens
SB 747-Klindt	SB 791-Mayer and Kennedy
SB 748-Vogel and Engler	SB 792-Mayer
SB 749-Engler	SB 793-Engler
SB 750-Gross	SB 794-Kennedy
SB 751-Stouffer	SB 795-Kennedy and Griesheimer
SB 752-Graham	SB 796-Dougherty, et al
SB 753-Alter	SB 797-Crowell
SB 754-Scott	SB 798-Nodler
SB 755-Clemens	SB 799-Engler
SB 756-Clemens	SB 800-Shields
SB 757-Clemens	SB 801-Shields
SB 758-Engler	SB 802-Shields
SB 759-Engler	SB 803-Griesheimer
SB 760-Engler	SB 804-Gross
SB 761-Stouffer	SB 805-Gross
SB 762-Graham, et al	SB 806-Gross
SB 763-Alter	SB 807-Gross
SB 764-Engler	SB 808-Ridgeway
SB 765-Dougherty	SB 809-Graham
SB 766-Vogel	SB 810-Dougherty, et al
SB 767-Graham	SB 811-Bray, et al
SB 768-Graham	SB 812-Cauthorn
SB 769-Mayer	SB 813-Ridgeway
SB 770-Mayer and Crowell	SB 814-Coleman
SB 771-Mayer	SB 815-Coleman
SB 772-Green	SB 816-Griesheimer and Coleman
SB 773-Cauthorn and Barnitz	SB 817-Scott, et al
SB 774-Bartle	SB 818-Scott
SB 775-Cauthorn	SB 819-Scott
SB 776-Nodler, et al	SB 820-Koster
SB 777-Bray and Days	SJR 21-Cauthorn
SB 778-Ridgeway, et al	SJR 22-Cauthorn
SB 779-Engler	SJR 23-Bartle, et al
SB 780-Klindt	SJR 24-Bartle
SB 781-Ridgeway	SJR 25-Clemens
SB 782-Engler	SJR 26-Ridgeway
SB 783-Engler	SJR 27-Crowell
SB 784-Alter	SJR 28-Engler

SJR 29-Engler
SJR 30-Graham
SJR 31-Ridgeway and Shields

SJR 32-Graham
SJR 33-Graham

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

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SECOND REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 9, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Man cannot fulfill his destiny alone...” (Elizabeth Cady Stanton)

Almighty God, we acknowledge that if we try to do everything ourselves we will fail. But, You have given us others here to help us as we struggle together and if we can acknowledge our weakness and dependency on You, You will guide and aid our hearts and minds to do what must be accomplished. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 5, 2006 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1646, regarding Staff Sergeant Ronald Hoskins, Ft. Leonard Wood, which was adopted.

Senator Stouffer offered Senate Resolution No. 1647, regarding the 2005 Sante Fe High School volleyball team, which was adopted.

Senator Stouffer offered Senate Resolution No. 1648, regarding the death of the Honorable Paul Sombart, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1649, regarding Mr. and Mrs. Michael Anthony Neil Cherrito, which was adopted.

Senator Stouffer offered Senate Resolution No. 1650, regarding Mr. and Mrs. William Scott Winkler, which was adopted.

Senator Vogel offered Senate Resolution No. 1651, regarding the California Area Chamber of Commerce, which was adopted.

Senator Green offered Senate Resolution No. 1652, regarding Stephen P. Schoemehl, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 1653, regarding the Kirbyville R-IV School District, which was adopted.

Senator Stouffer offered Senate Resolution No. 1654, regarding the birth of Audrey Fay Frizzell, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1655, regarding the birth of Cameron James Michael Boss, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1656, regarding the birth of Dane Howard Christy, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1657, regarding the birth of Annika Maria Riekhof, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1658, regarding the birth of Weston Cade Hurt, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 1659, regarding the birth of Ryleigh June Leath, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1660, regarding the birth of Jackson Lavery Miller, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1661, regarding the birth of Caden Michael Hendricks, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1662, regarding the birth of Jewelia Lee Lett, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1663, regarding the birth of Quinten Nathaniel Vasser, Olathe, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 1664, regarding the birth of Gage Wyatt Kitts, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1665, regarding the birth of Brandon Prosser Lorenz, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1666, regarding the birth of Brooke Cathlynn Gariss, Fairway, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 1667, regarding the birth of Noah James Mitchell, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1668, regarding the birth of Adison Marie Drecktrah, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1669, regarding the birth of Madeline Jennifer Kemme, Tucson, Arizona, which was adopted.

Senator Stouffer offered Senate Resolution No. 1670, regarding the birth of Cadence Elizabeth DeLaney, Hawaii, which was adopted.

Senator Stouffer offered Senate Resolution No. 1671, regarding the birth of Cooper Patrick Pennock, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1672, regarding the birth of Beck Matthew Frye, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1673, regarding the birth of Kevin Glenn Trusty, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1674, regarding the birth of Abigail Marie Franks, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1675, regarding the birth of Payten Jean Houston, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1676, regarding the birth of Carter Miles Haynes, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1677, regarding the death of Erwin Bergman, which was adopted.

Senator Stouffer offered Senate Resolution No. 1678, regarding the death of Lester Rolf, which was adopted.

Senator Stouffer offered Senate Resolution No. 1679, regarding the deaths of Mr. and Mrs. Earl Zimmerman, Marshall, which was adopted.

Senator Alter offered Senate Resolution No. 1680, regarding Daniel Christopher Eustachius Highley, Fenton, which was adopted.

Senator Gibbons offered Senate Resolution No. 1681, regarding Mr. and Mrs. Nicholas Voigt, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 1682, regarding Dr. John Mahoney, which was adopted.

Senator Coleman offered Senate Resolution No. 1683, regarding Dr. Michael Vincenc, which was adopted.

Senator Clemens offered Senate Resolution No. 1684, regarding Jared Tuck, Republic, which was adopted.

Senator Clemens offered Senate Resolution No. 1685, regarding Cory Swift, Republic, which was adopted.

Senator Clemens offered Senate Resolution No. 1686, regarding Jared Michael Loewenberg, Republic, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1687, regarding Bourbeuse Valley Harley-Davidson Motorcycles, Villa Ridge, which was adopted.

Senator Crowell offered Senate Resolution No. 1688, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Leon Miller, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1689, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Skelton, Gordonville, which was adopted.

Senator Crowell offered Senate Resolution No. 1690, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Edwards, East Prairie, which was adopted.

Senator Gross requested unanimous consent of the Senate to withdraw **SB 807**, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 821—By Griesheimer.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to salvage vehicles.

SB 822—By Gross.

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause.

SB 823—By Klindt.

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance self-evaluative audit privilege.

SB 824—By Klindt and Loudon.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to an insurance company's right to intervene in civil actions to determine coverage obligations.

SB 825—By Koster, Shields, Wheeler and Wilson.

An Act to amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District

Compact.

SB 826—By Mayer.

An Act to repeal section 226.797, RSMo, and to enact in lieu thereof one new section relating to scenic byways.

SB 827—By Dougherty, Bray and Wheeler.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SB 828—By Scott.

An Act to repeal section 332.311, RSMo, and to enact in lieu thereof one new section relating to dental hygienist.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on January 4, 2006 for your advice and consent:

Douglas A. Albrecht, Republican, 550 Barnes Road, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Douglas A. Albrecht, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, which motion prevailed.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1691, regarding Thomas Keith Blair, Chesterfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 1692, regarding Marty Carr, Affton, which was adopted.

Senator Kennedy offered Senate Resolution No. 1693, regarding Matthew Robert Hegel, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1694, regarding Pat LaVanchy, St. Louis, which was adopted.

Senator Bartle offered the following resolution:

SENATE RESOLUTION NO. 1695

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Eighth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-third General Assembly, Second Regular Session, that Senate Rule 96 be amended to read as follows:

"Rule 96. 1. Laptop computers may be used [by the press at the press table and by the research staff at the research table] in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **If a senator is engaged in debate or discussion, he or she shall close the screen of his or her laptop computer completely during the period of debate or discussion.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Scott assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time

and referred to the Committees indicated:

SB 557—Judiciary and Civil and Criminal Jurisprudence.

SB 558—Commerce, Energy and the Environment.

SB 559—Commerce, Energy and the Environment.

SB 560—Pensions, Veterans' Affairs and General Laws.

SB 561—Ways and Means.

SB 562—Judiciary and Civil and Criminal Jurisprudence.

SB 563—Judiciary and Civil and Criminal Jurisprudence.

SB 564—Ways and Means.

SB 565—Ways and Means.

SB 566—Aging, Families, Mental and Public Health.

SB 567—Aging, Families, Mental and Public Health.

SB 568—Aging, Families, Mental and Public Health.

SB 569—Agriculture, Conservation, Parks and Natural Resources.

SB 570—Judiciary and Civil and Criminal Jurisprudence.

SB 571—Judiciary and Civil and Criminal Jurisprudence.

SB 572—Pensions, Veterans' Affairs and General Laws.

SB 573—Judiciary and Civil and Criminal Jurisprudence.

SB 574—Aging, Families, Mental and Public Health.

SB 575—Aging, Families, Mental and Public

Health.

SB 576—Aging, Families, Mental and Public Health.

SB 577—Ways and Means.

SB 578—Judiciary and Civil and Criminal Jurisprudence.

SB 579—Judiciary and Civil and Criminal Jurisprudence.

SB 580—Education.

SB 582—Commerce, Energy and the Environment.

SB 583—Transportation.

SB 584—Judiciary and Civil and Criminal Jurisprudence.

SB 585—Ways and Means.

SB 586—Judiciary and Civil and Criminal Jurisprudence.

SB 587—Judiciary and Civil and Criminal Jurisprudence.

SB 588—Judiciary and Civil and Criminal Jurisprudence.

SB 589—Judiciary and Civil and Criminal Jurisprudence.

SB 590—Education.

SB 591—Agriculture, Conservation, Parks and Natural Resources.

SB 592—Judiciary and Civil and Criminal Jurisprudence.

SB 593—Small Business, Insurance and Industrial Relations.

SB 594—Ways and Means.

SB 595—Ways and Means.

SB 596—Judiciary and Civil and Criminal Jurisprudence.

SB 597—Small Business, Insurance and Industrial Relations.

SB 598—Small Business, Insurance and Industrial Relations.

SB 599—Aging, Families, Mental and Public Health.

SB 600—Ways and Means.

SB 601—Economic Development, Tourism and Local Government.

SB 602—Education.

SB 603—Transportation.

SB 604—Pensions, Veterans' Affairs and General Laws.

SB 605—Ways and Means.

SB 606—Transportation.

SB 608—Judiciary and Civil and Criminal Jurisprudence.

SB 609—Judiciary and Civil and Criminal Jurisprudence.

SB 610—Pensions, Veterans' Affairs and General Laws.

SB 611—Pensions, Veterans' Affairs and General Laws.

SB 612—Economic Development, Tourism and Local Government.

SB 613—Commerce, Energy and the Environment.

SB 614—Ways and Means.

SB 615—Judiciary and Civil and Criminal Jurisprudence.

SB 616—Aging, Families, Mental and Public Health.

SB 617—Aging, Families, Mental and Public Health.

SB 618—Judiciary and Civil and Criminal

Jurisprudence.

SB 619—Judiciary and Civil and Criminal Jurisprudence.

SB 620—Small Business, Insurance and Industrial Relations.

SB 621—Aging, Families, Mental and Public Health.

SB 622—Ways and Means.

SB 623—Aging, Families, Mental and Public Health.

SB 624—Aging, Families, Mental and Public Health.

SB 625—Aging, Families, Mental and Public Health.

SB 626—Aging, Families, Mental and Public Health.

SB 627—Aging, Families, Mental and Public Health.

SB 628—Judiciary and Civil and Criminal Jurisprudence.

SB 629—Transportation.

SB 630—Ways and Means.

SB 632—Financial and Governmental Organizations and Elections.

SB 633—Financial and Governmental Organizations and Elections.

SB 634—Pensions, Veterans' Affairs and General Laws.

SB 635—Transportation.

SB 636—Agriculture, Conservation, Parks and Natural Resources.

SB 637—Pensions, Veterans' Affairs and General Laws.

SB 638—Commerce, Energy and the Environment.

SB 639—Judiciary and Civil and Criminal Jurisprudence.

SB 640—Judiciary and Civil and Criminal Jurisprudence.

SB 641—Financial and Governmental Organizations and Elections.

SB 642—Aging, Families, Mental and Public Health.

SB 643—Agriculture, Conservation, Parks and Natural Resources.

SB 644—Education.

SB 645—Economic Development, Tourism and Local Government.

SB 646—Economic Development, Tourism and Local Government.

SB 647—Small Business, Insurance and Industrial Relations.

SB 648—Aging, Families, Mental and Public Health.

SB 649—Judiciary and Civil and Criminal Jurisprudence.

SB 650—Education.

SB 651—Economic Development, Tourism and Local Government.

SB 652—Transportation.

SB 653—Education.

SB 654—Education.

SB 655—Education.

SB 656—Education.

SB 657—Pensions, Veterans' Affairs and General Laws.

SB 658—Judiciary and Civil and Criminal Jurisprudence.

SB 659—Small Business, Insurance and Industrial Relations.

SB 660—Pensions, Veterans' Affairs and General Laws.

SB 661—Financial and Governmental Organizations and Elections.

SB 662—Education.

SB 663—Pensions, Veterans' Affairs and General Laws.

SB 664—Financial and Governmental Organizations and Elections.

SB 665—Agriculture, Conservation, Parks and Natural Resources.

SB 666—Pensions, Veterans' Affairs and General Laws.

SB 667—Transportation.

SB 668—Ways and Means.

SB 669—Transportation.

SB 670—Ways and Means.

SB 671—Pensions, Veterans' Affairs and General Laws.

SB 672—Economic Development, Tourism and Local Government.

REFERRALS

With the consent of the sponsor, President Pro Tem Gibbons referred **SR 1695** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee pursuant to **HCR 1**: Senators Gross, Klindt, Cauthorn, Engler, Goodman, Coleman, Days, Wilson, Dougherty and Callahan.

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, Dr. Todd Lucas, O.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 10, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 673-Graham	SB 704-Engler and Mayer
SB 674-Wilson and Days	SB 705-Engler and Cauthorn
SB 675-Wilson, et al	SB 706-Wilson and Days
SB 676-Wilson	SB 707-Wilson
SB 677-Gross	SB 708-Wilson and Graham
SB 678-Gross	SB 709-Cauthorn
SB 679-Gross	SB 710-Cauthorn
SB 680-Dougherty, et al	SB 711-Cauthorn
SB 681-Dougherty	SB 712-Scott
SB 682-Cauthorn	SB 713-Champion
SB 683-Cauthorn	SB 714-Nodler
SB 684-Cauthorn	SB 715-Bray
SB 685-Coleman	SB 716-Bray, et al
SB 686-Coleman	SB 717-Bray and Graham
SB 687-Scott	SB 718-Crowell and Mayer
SB 688-Scott	SB 719-Crowell
SB 689-Scott	SB 720-Crowell
SB 690-Champion	SB 721-Wilson
SB 691-Champion	SB 722-Cauthorn
SB 692-Champion	SB 723-Cauthorn
SB 693-Bartle and Crowell	SB 724-Cauthorn
SB 694-Bartle	SB 725-Bray, et al
SB 695-Nodler	SB 726-Bray
SB 696-Nodler and Crowell	SB 727-Bray
SB 697-Nodler	SB 728-Crowell
SB 699-Bray	SB 729-Crowell
SB 700-Bray and Days	SB 730-Crowell
SB 701-Crowell	SB 731-Cauthorn
SB 702-Crowell, et al	SB 732-Cauthorn
SB 703-Crowell, et al	SB 733-Cauthorn

SB 734-Bray	SB 774-Bartle
SB 735-Crowell	SB 775-Cauthorn
SB 736-Crowell and Cauthorn	SB 776-Nodler, et al
SB 737-Crowell and Engler	SB 777-Bray and Days
SB 738-Cauthorn	SB 778-Ridgeway, et al
SB 739-Cauthorn	SB 779-Engler
SB 740-Cauthorn	SB 780-Klindt
SB 741-Crowell	SB 781-Ridgeway
SB 742-Crowell	SB 782-Engler
SB 743-Crowell	SB 783-Engler
SB 744-Klindt	SB 784-Alter
SB 745-Klindt and Engler	SB 785-Alter
SB 746-Klindt	SB 786-Graham
SB 747-Klindt	SB 787-Klindt
SB 748-Vogel and Engler	SB 788-Klindt
SB 749-Engler	SB 789-Dougherty
SB 750-Gross	SB 790-Clemens
SB 751-Stouffer	SB 791-Mayer and Kennedy
SB 752-Graham	SB 792-Mayer
SB 753-Alter	SB 793-Engler
SB 754-Scott	SB 794-Kennedy
SB 755-Clemens	SB 795-Kennedy and Griesheimer
SB 756-Clemens	SB 796-Dougherty, et al
SB 757-Clemens	SB 797-Crowell
SB 758-Engler	SB 798-Nodler
SB 759-Engler	SB 799-Engler
SB 760-Engler	SB 800-Shields
SB 761-Stouffer	SB 801-Shields
SB 762-Graham, et al	SB 802-Shields
SB 763-Alter	SB 803-Griesheimer
SB 764-Engler	SB 804-Gross
SB 765-Dougherty	SB 805-Gross
SB 766-Vogel	SB 806-Gross
SB 767-Graham	SB 808-Ridgeway
SB 768-Graham	SB 809-Graham
SB 769-Mayer	SB 810-Dougherty, et al
SB 770-Mayer and Crowell	SB 811-Bray, et al
SB 771-Mayer	SB 812-Cauthorn
SB 772-Green	SB 813-Ridgeway
SB 773-Cauthorn and Barnitz	SB 814-Coleman

SB 815-Coleman
SB 816-Griesheimer and Coleman
SB 817-Scott, et al
SB 818-Scott
SB 819-Scott
SB 820-Koster
SB 821-Griesheimer
SB 822-Gross
SB 823-Klindt
SB 824-Klindt and Loudon
SB 825-Koster, et al
SB 826-Mayer
SB 827-Dougherty, et al
SB 828-Scott

SJR 21-Cauthorn
SJR 22-Cauthorn
SJR 23-Bartle, et al
SJR 24-Bartle
SJR 25-Clemens
SJR 26-Ridgeway and Graham
SJR 27-Crowell
SJR 28-Engler
SJR 29-Engler
SJR 30-Graham
SJR 31-Ridgeway and Shields
SJR 32-Graham
SJR 33-Graham

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

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Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 10, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cast not away therefore your boldness, which hath great recompense of reward.” (Hebrews 10:35)

Gracious and heavenly Father, this week is already filled with demands that will take boldness on our part to insure that we do what is right and just for those we serve. We pray, help and guide us along the right pathways that we must boldly walk so we may accomplish what You desire of us and become the people You intend for us to be. In Your Holy Name we pray.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 1696, regarding the Ninetieth Birthday of Virginia Randolph, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 829—By Dougherty, Bray, Days, Kennedy, Green, Callahan, Wheeler, Graham, Coleman and Barnitz.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

SB 830—By Ridgeway, Shields, Callahan and Wheeler.

An Act to repeal sections 86.1110 and 86.1500, RSMo, and to enact in lieu thereof two new sections relating to police military leave.

SB 831—By Kennedy, Wilson, Dougherty, Callahan and Coleman.

An Act to repeal section 163.031, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to reductions in state aid for school districts with decreases in summer school attendance, with an emergency clause.

SB 832—By Griesheimer.

An Act to repeal sections 99.805, 99.820, 99.825, 99.845, 99.847, 99.865, and 99.470, RSMo, and to enact in lieu thereof nine new sections relating to tax increment financing.

SB 833—By Nodler.

An Act to repeal section 161.184, RSMo, relating to education.

SB 834—By Nodler.

An Act to repeal sections 162.700, 162.950, 162.955, 162.961, and 167.020, RSMo, and to enact in lieu thereof four new sections relating to special education, with penalty provisions.

SB 835—By Engler.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to drug prescriptions.

SB 836—By Engler.

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof one new section relating to child support.

SB 837—By Loudon and Klindt.

An Act to repeal sections 379.860 and 383.175, RSMo, and to enact in lieu thereof two new sections relating to changing the membership of governing bodies that administer insurance programs.

SB 838—By Loudon and Klindt.

An Act to repeal section 376.620, RSMo, and to enact in lieu thereof one new section relating to suicide provisions in certain life insurance contracts.

SB 839—By Loudon and Klindt.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act of 2006.

SB 840—By Stouffer.

An Act to repeal section 227.299, RSMo, and to enact in lieu thereof one new section relating to the process of designating highways and bridges.

SB 841—By Ridgeway, Wheeler and Wilson.

An Act to repeal section 537.035, RSMo, and to enact in lieu thereof one new section relating to peer review committees.

SB 842—By Ridgeway.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions.

SJR 34—By Crowell and Barnitz.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 (a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 10, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of James V. “Jim” O’Donnell to the Public School Retirement System of Missouri, submitted on January 4, 2006. Line 3 should be amended as follows:

“for a term ending June 30, 2006, and until his successor is duly appointed and qualified”

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

Senator Crowell assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 673—Education.

SB 674—Education.

SB 675—Commerce, Energy and the Environment.

SB 676—Education.

SB 677—Aging, Families, Mental and Public Health.

SB 678—Ways and Means.

SB 679—Education.

SB 680—Judiciary and Civil and Criminal Jurisprudence.

SB 681—Small Business, Insurance and Industrial Relations.

SB 682—Ways and Means.

SB 683—Commerce, Energy and the

Environment.

SB 684—Agriculture, Conservation, Parks and Natural Resources.

SB 685—Financial and Governmental Organizations and Elections.

SB 686—Aging, Families, Mental and Public Health.

SB 687—Aging, Families, Mental and Public Health.

SB 688—Transportation.

SB 689—Financial and Governmental Organizations and Elections.

SB 690—Aging, Families, Mental and Public Health.

SB 691—Ways and Means.

SB 692—Pensions, Veterans’ Affairs and General Laws.

SB 693—Small Business, Insurance and Industrial Relations.

SB 694—Aging, Families, Mental and Public Health.

SB 695—Pensions, Veterans’ Affairs and General Laws.

SB 696—Ways and Means.

SB 697—Transportation.

SB 699—Judiciary and Civil and Criminal Jurisprudence.

SB 700—Small Business, Insurance and Industrial Relations.

SB 701—Pensions, Veterans’ Affairs and General Laws.

SB 702—Judiciary and Civil and Criminal Jurisprudence.

SB 703—Ways and Means.

SB 704—Transportation.

SB 705—Financial and Governmental Organizations and Elections.

SB 706—Pensions, Veterans' Affairs and General Laws.

SB 707—Education.

SB 708—Education.

SB 709—Ways and Means.

SB 710—Aging, Families, Mental and Public Health.

SB 711—Agriculture, Conservation, Parks and Natural Resources.

SB 712—Economic Development, Tourism and Local Government.

SB 713—Financial and Governmental Organizations and Elections.

SB 714—Aging, Families, Mental and Public Health.

SB 715—Judiciary and Civil and Criminal Jurisprudence.

SB 716—Judiciary and Civil and Criminal Jurisprudence.

SB 717—Ways and Means.

SB 718—Financial and Governmental Organizations and Elections.

SB 719—Judiciary and Civil and Criminal Jurisprudence.

SB 720—Aging, Families, Mental and Public Health.

SB 721—Judiciary and Civil and Criminal Jurisprudence.

SB 722—Aging, Families, Mental and Public Health.

SB 723—Agriculture, Conservation, Parks and Natural Resources.

SB 724—Aging, Families, Mental and Public Health.

SB 725—Judiciary and Civil and Criminal Jurisprudence.

SB 726—Financial and Governmental Organizations and Elections.

SB 727—Education.

SB 728—Aging, Families, Mental and Public Health.

SB 729—Judiciary and Civil and Criminal Jurisprudence.

SB 730—Financial and Governmental Organizations and Elections.

SB 731—Judiciary and Civil and Criminal Jurisprudence.

SB 732—Agriculture, Conservation, Parks and Natural Resources.

SB 733—Financial and Governmental Organizations and Elections.

SB 734—Pensions, Veterans' Affairs and General Laws.

SB 735—Small Business, Insurance and Industrial Relations.

SB 736—Education.

SB 737—Commerce, Energy and the Environment.

SB 738—Aging, Families, Mental and Public Health.

SB 739—Ways and Means.

SB 740—Pensions, Veterans' Affairs and General Laws.

SB 741—Pensions, Veterans' Affairs and General Laws.

SB 742—Ways and Means.

SB 743—Ways and Means.

SB 744—Ways and Means.

SB 745—Economic Development, Tourism and Local Government.

SB 746—Economic Development, Tourism and Local Government.

SB 747—Financial and Governmental Organizations and Elections.

SB 748—Pensions, Veterans' Affairs and General Laws.

SB 749—Financial and Governmental Organizations and Elections.

SB 750—Commerce, Energy and the Environment.

SB 751—Economic Development, Tourism and Local Government.

SB 752—Transportation.

SB 753—Judiciary and Civil and Criminal Jurisprudence.

SB 754—Transportation.

SB 755—Small Business, Insurance and Industrial Relations.

SB 756—Financial and Governmental Organizations and Elections.

SB 757—Agriculture, Conservation, Parks and Natural Resources.

SB 758—Transportation.

SB 759—Transportation.

SB 760—Agriculture, Conservation, Parks and Natural Resources.

SB 761—Transportation.

SB 762—Commerce, Energy and the Environment.

SB 763—Pensions, Veterans' Affairs and General Laws.

SB 764—Judiciary and Civil and Criminal Jurisprudence.

SB 765—Aging, Families, Mental and Public Health.

SB 766—Ways and Means.

SB 767—Financial and Governmental Organizations and Elections.

SB 768—Judiciary and Civil and Criminal Jurisprudence.

SB 769—Education.

SB 770—Judiciary and Civil and Criminal Jurisprudence.

SB 771—Judiciary and Civil and Criminal Jurisprudence.

SB 772—Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Michael C. Perry, M.D., Columbia.

Senator Champion introduced to the Senate, Jeremy Hagen, Washington.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY--WEDNESDAY, JANUARY 11, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 773-Cauthorn and Barnitz	SB 803-Griesheimer
SB 774-Bartle	SB 804-Gross
SB 775-Cauthorn	SB 805-Gross
SB 776-Nodler, et al	SB 806-Gross
SB 777-Bray and Days	SB 808-Ridgeway
SB 778-Ridgeway, et al	SB 809-Graham
SB 779-Engler	SB 810-Dougherty, et al
SB 780-Klindt	SB 811-Bray, et al
SB 781-Ridgeway	SB 812-Cauthorn
SB 782-Engler	SB 813-Ridgeway
SB 783-Engler	SB 814-Coleman
SB 784-Alter	SB 815-Coleman
SB 785-Alter	SB 816-Griesheimer and Coleman
SB 786-Graham	SB 817-Scott, et al
SB 787-Klindt	SB 818-Scott
SB 788-Klindt	SB 819-Scott
SB 789-Dougherty	SB 820-Koster
SB 790-Clemens	SB 821-Griesheimer
SB 791-Mayer and Kennedy	SB 822-Gross
SB 792-Mayer	SB 823-Klindt
SB 793-Engler	SB 824-Klindt and Loudon
SB 794-Kennedy	SB 825-Koster, et al
SB 795-Kennedy and Griesheimer	SB 826-Mayer
SB 796-Dougherty, et al	SB 827-Dougherty, et al
SB 797-Crowell	SB 828-Scott
SB 798-Nodler	SB 829-Dougherty, et al
SB 799-Engler	SB 830-Ridgeway, et al
SB 800-Shields	SB 831-Kennedy, et al
SB 801-Shields	SB 832-Griesheimer
SB 802-Shields	SB 833-Nodler

SB 834-Nodler	SJR 24-Bartle
SB 835-Engler	SJR 25-Clemens
SB 836-Engler	SJR 26-Ridgeway and Graham
SB 837-Loudon and Klindt	SJR 27-Crowell
SB 838-Loudon and Klindt	SJR 28-Engler
SB 839-Loudon and Klindt	SJR 29-Engler
SB 840-Stouffer	SJR 30-Graham
SB 841-Ridgeway, et al	SJR 31-Ridgeway and Shields
SB 842-Ridgeway	SJR 32-Graham
SJR 21-Cauthorn	SJR 33-Graham
SJR 22-Cauthorn	SJR 34-Crowell and Barnitz
SJR 23-Bartle, et al	

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

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Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 11, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Senator Scott offered the following prayer:

Father, we are grateful today for the privilege to serve you in the Missouri State Senate.

You have placed each one of us here for a purpose and that purpose is to serve you and to serve those who have sent us here.

But Lord, We don't have the ability to do that on our own.

So today as we start this session,
I pray for three things.

For wisdom to know the issues
to discern between right and wrong, between good and bad,
between better and best.
You know the issues that are important. . . please give us Your
wisdom.

I pray also for Strength to do the job

Strength not only for ourselves, but for our staffs and those
who come to the capitol to work for good government

And finally I pray for courage, not just to take the easy way . . . the
politically correct path . . . but for courage to do what needs to be
done and has to be done to make life better for the people of this
state.

Give us today Wisdom, Strength and Courage.

I thank you for your past and present blessings and ask these things
in the name of Jesus our Lord.

The Pledge of Allegiance to the Flag was

recited.

A quorum being established, the Senate
proceeded with its business.

The Journal of the previous day was read and
approved.

The following Senators were present during
the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution
No. 1697, regarding Robert M. Doroghazi, M.D.,

Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1698, regarding Anthony Thomas Johnson, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1699, regarding Stephen Braddock, Jefferson City, which was adopted.

Senator Goodman offered Senate Resolution No. 1700, regarding the Galena R-II School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1701, regarding the Hurley R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1702, regarding the McDonald County R-I School District, Anderson, which was adopted.

Senator Goodman offered Senate Resolution No. 1703, regarding the Mt. Vernon R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1704, regarding the Aurora R-VIII School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1705, regarding the Bakersfield R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1706, regarding the Crane R-III School District, which was adopted.

Senator Crowell offered Senate Resolution No. 1707, regarding Cody William Aufdenberg, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1708, regarding Dustin Robert Nolan, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1709, regarding Jacob Remington Lynch, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1710, regarding Austin Charles Harter,

Thebes, Illinois, which was adopted.

Senator Crowell offered Senate Resolution No. 1711, regarding Zachary Thomas Griffaw, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1712, regarding Connor Dominic Fanger, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1713, regarding Kevin Ray Brost, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1714, regarding Cambron Bard Womack, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1715, regarding Jared Alexander Schmidt, Anna, Illinois, which was adopted.

Senator Crowell offered Senate Resolution No. 1716, regarding Corey Andrew Pech, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1717, regarding Jacob Max Cieslewicz, Cape Girardeau, which was adopted.

Senator Purgason offered Senate Resolution No. 1718, regarding the Sixty-second Wedding Anniversary of Mr. and Mrs. Robert Langston, Couch, which was adopted.

Senator Purgason offered Senate Resolution No. 1719, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Donald Wallace, Camdenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1720, regarding the Eightieth Birthday of Eva Maye Sherrer, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1721, regarding the One Hundredth Birthday of Wilda McCroy-Farmer, Camdenton, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were

read the 1st time and ordered printed:

SB 843—By Graham, Green, Callahan, Bray, Kennedy, Dougherty, Wheeler and Days.

An Act to amend chapter 393, RSMo, by adding thereto five new sections relating to renewable energy.

SB 844—By Graham, Green, Callahan, Bray, Days, Barnitz, Kennedy, Dougherty, Wheeler, Wilson and Coleman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the reporting of Medicaid fraud.

SB 845—By Kennedy, Coleman, Wilson, Bray, Graham, Dougherty, Griesheimer, Alter, Callahan, Green, Barnitz, Nodler, Loudon, Mayer, Cauthorn, Koster and Engler.

An Act to repeal section 351.488, RSMo, and to enact in lieu thereof one new section relating to corporate dissolution due to military service.

SB 846—By Dougherty, Griesheimer, Green, Bray, Days and Wilson.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

SB 847—By Bartle.

An Act to repeal sections 482.305 and 482.315, RSMo, and to enact in lieu thereof two new sections relating to the jurisdiction of small claims courts.

SRB 848—By Bartle.

An Act to repeal sections 21.435, 21.770, 28.085, 28.163, 30.900, 32.051, 32.380, 32.382, 33.571, 42.160, 58.755, 72.424, 82.460, 82.1050, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 138.236, 140.015, 143.122, 143.172, 143.1010, 143.1011, 143.1012, 144.030,

144.036, 144.041, 152.032, 160.510, 161.205, 161.655, 169.710, 171.033, 191.938, 192.255, 197.121, 197.305, 197.312, 197.314, 197.317, 197.318, 197.345, 197.355, 197.366, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 215.050, 253.022, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.550, 302.295, 313.300, 313.301, 319.022, 319.023, 351.025, 354.065, 376.530, 376.550, 388.650, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 644.102, 650.216, and 701.040, RSMo, and to enact in lieu thereof fourteen new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

SB 849—By Mayer, Crowell, Engler, Purgason, Clemens, Vogel, Griesheimer, Shields, Klindt, Nodler, Cauthorn, Scott, Stouffer, Ridgeway, Loudon, Bartle and Champion.

An Act to repeal sections 290.220, 290.290 and 290.305, RSMo, and to enact in lieu thereof nine new sections relating to public contracts.

SB 850—By Alter.

An Act to repeal sections 50.1000, 50.1010, and 211.393, RSMo, and to enact in lieu thereof three new sections relating to juvenile court employees.

SB 851—By Stouffer.

An Act to repeal section 304.155, RSMo, and to enact in lieu thereof one new section relating to motor vehicles.

SB 852—By Barnitz.

An Act to repeal section 143.471, RSMo, and to enact in lieu thereof two new sections relating to

corporate franchise tax credits for S corporation shareholders.

SB 853—By Green, Graham, Wilson, Wheeler, Barnitz, Coleman, Days, Callahan, Dougherty and Bray.

An Act to repeal sections 409.5-508 and 409.6-604, RSMo, and to enact in lieu thereof two new sections relating to securities regulation, with penalty provisions.

SB 854—By Green.

An Act to amend chapter 37, RSMo, by adding thereto ten new sections relating to oversight of public privatization contracts, with an emergency clause.

SB 855—By Callahan.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to economic activity taxes for tax increment finance projects.

SB 856—By Callahan.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to county contracts.

SJR 35—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 28 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to eminent domain.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the State address: Representatives: Schaaf, Sander, Kingery, Quinn,

Chinn, Denison, Haywood, Jolly, Swinger and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Jackson, Faith, Nance, Cooper 155, Emery, Fares, Paige, Bogetto, Hubbard and Meadows.

Senator Koster assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 773—Financial and Governmental Organizations and Elections.

SB 774—Judiciary and Civil and Criminal Jurisprudence.

SB 775—Agriculture, Conservation, Parks and Natural Resources.

SB 776—Education.

SB 777—Pensions, Veterans' Affairs and General Laws.

SB 778—Ways and Means.

SB 779—Small Business, Insurance and Industrial Relations.

SB 780—Commerce, Energy and the Environment.

SB 781—Judiciary and Civil and Criminal Jurisprudence.

SB 782—Judiciary and Civil and Criminal Jurisprudence.

SB 783—Judiciary and Civil and Criminal Jurisprudence.

SB 784—Judiciary and Civil and Criminal Jurisprudence.

SB 785—Judiciary and Civil and Criminal Jurisprudence.

SB 786—Judiciary and Civil and Criminal Jurisprudence.

SB 787—Aging, Families, Mental and Public Health.

SB 788—Commerce, Energy and the Environment.

SB 789—Judiciary and Civil and Criminal Jurisprudence.

SB 790—Education.

SB 791—Pensions, Veterans' Affairs and General Laws.

SB 792—Aging, Families, Mental and Public Health.

SB 793—Judiciary and Civil and Criminal Jurisprudence.

SB 794—Pensions, Veterans' Affairs and General Laws.

SB 795—Economic Development, Tourism and Local Government.

SB 796—Pensions, Veterans' Affairs and General Laws.

SB 797—Aging, Families, Mental and Public Health.

SB 798—Judiciary and Civil and Criminal Jurisprudence.

SB 799—Economic Development, Tourism and Local Government.

SB 800—Small Business, Insurance and Industrial Relations.

SB 801—Financial and Governmental Organizations and Elections.

SB 802—Economic Development, Tourism and Local Government.

SB 803—Ways and Means.

SB 804—Judiciary and Civil and Criminal

Jurisprudence.

SB 805—Ways and Means.

SB 806—Education.

SB 808—Financial and Governmental Organizations and Elections.

SB 809—Economic Development, Tourism and Local Government.

SB 810—Pensions, Veterans' Affairs and General Laws.

SB 811—Small Business, Insurance and Industrial Relations.

SB 812—Commerce, Energy and the Environment.

SB 813—Small Business, Insurance and Industrial Relations.

SB 814—Ways and Means.

SB 815—Judiciary and Civil and Criminal Jurisprudence.

SB 816—Commerce, Energy and the Environment.

SB 817—Small Business, Insurance and Industrial Relations.

SB 818—Financial and Governmental Organizations and Elections.

SB 819—Financial and Governmental Organizations and Elections.

SB 820—Governmental Accountability and Fiscal Oversight.

SJR 21—Agriculture, Conservation, Parks and Natural Resources.

SJR 22—Education.

SJR 23—Judiciary and Civil and Criminal Jurisprudence.

SJR 24—Transportation.

SJR 25—Governmental Accountability and Fiscal Oversight.

SJR 26—Pensions, Veterans' Affairs and General Laws.

SJR 27—Financial and Governmental Organizations and Elections.

SJR 28—Pensions, Veterans' Affairs and General Laws.

SJR 29—Economic Development, Tourism and Local Government.

SJR 30—Pensions, Veterans' Affairs and General Laws.

SJR 31—Education.

SJR 32—Financial and Governmental Organizations and Elections.

SJR 33—Financial and Governmental Organizations and Elections.

On motion of Senator Shields, the Senate recessed until 6:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Crowell.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 857—By Nodler.

An Act to repeal section 173.005, RSMo, and to enact in lieu thereof two new sections relating to the powers of the coordinating board of higher education.

SB 858—By Shields.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the health information technology fund.

SB 859—By Days.

An Act to repeal sections 115.126, 115.275, 115.289, and 115.637, RSMo, and to enact in lieu thereof four new sections relating to advance

voting, with penalty provisions.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Matt Blunt, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

The Color Guard from the Naval Junior ROTC, Excelsior Springs Job Corps, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

On roll call the following Representatives were present:

Present—Representatives

Aull	Avery	Baker 123	Bean
Bearden	Behnen	Bivins	Black
Bogetto	Bowman	Bringer	Brooks
Brown 30	Brown 50	Bruns	Burnett
Casey	Chinn	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145

Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz
Fraser	George	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs
Hoskins	Hubbard	Hughes	Hunter
Icet	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly
Kingery	Kraus	Kuessner	Lager
Lampe	Lembke	LeVota	Lipke
Loehner	Low 39	Lowe 44	Marsh
May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford
Page	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker
Ruestman	Rupp	Salva	Sander
Sater	Schaaf	Schad	Schlottach
Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 118	Smith 150
Spreng	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner
Wallace	Walsh	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 137
Wright 159	Wright-Jones	Yaeger	Yates
Young	Zweifel	Mr Speaker—151	

Absent and Absent with leave—Representatives

Baker 25	Bland	Boykins	Cunningham 86
El-Amin	Kratky	Liese	Schneider
Walton—9			

Vacancies—3

The Joint Committee appointed to wait upon His Excellency, Governor Matt Blunt, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

Lt. Governor Kinder, Mr. President Pro Tem, Mr. Speaker, distinguished state officials, judges of the Supreme Court, members of the General Assembly, reverend clergy, fellow Missourians:

Tonight, I have the privilege of delivering my second state of the state address. Last year's report was difficult news for me to deliver and for Missourians to hear. Missouri's economy was on life support. The budget was more than a billion dollars in the red, a series of government programs were bankrupting the state and tens of millions of dollars in waste were scattered throughout state government.

Tonight I am able to deliver a very different message. Our economy is now creating jobs for Missouri's families. We have moved from a massive budget shortfall to the first surplus in five years. Let me repeat that good news: because of the prudent decisions we made last year, we have balanced the books. We have taken an inherited deficit that exceeded five percent of total state spending and created a small but real surplus. We are sustaining government and investing in priorities without the higher job-killing taxes that the people have rejected time after time. We are saving millions of dollars within state government that can be sent to schools, used to provide healthcare or to improve Missouri's roads, highways and bridges. We have demonstrated that real, positive change can be realized without increased taxes. Tonight, Mr. President, Mr. Speaker, and fellow Missourians, just one year after we began to work together, the state of the state is strong.

Last session we enacted pro jobs, pro growth policies that have made state government a facilitator of job creation, not a free-spending, tax-increasing burden to economic growth. Today, the sun has risen and Missouri's economy is on the move. Jobs are coming back and staying in Missouri. Lawsuit reform and regulatory relief are having their desired effect. 28,000 jobs have been created since January. Our small business men and women are hiring more of their neighbors. The entrepreneurial spirit has been rekindled, and the results are dramatic. On average, we have seen the creation of more than 500 new jobs per week since my address last year.

We made great strides last year to keep doctors in Missouri by passing medical liability reform. Hospitals and doctors' groups report that they now can recruit and retain quality doctors, especially in crucial specialties such as obstetrics and neurosurgery. Lawsuit reform is making a tremendous positive difference for people and communities across Missouri and is improving access to high quality healthcare.

Thank you for passing a tough new anti-meth law to control the sale of key ingredients of methamphetamine. This new law is showing strong results, with a decline of 44 percent in meth incidents in Missouri.

I encourage the Congress to pass Senator Jim Talent's similar legislation at the federal level to better protect Missourians and to help stop the scourge of meth across the country.

As you drive across Missouri you are seeing new construction on virtually all our major highways. When complete, Missouri's Smooth Roads Initiative will deliver a total of 2,200 miles of safer,

smoother and improved roads. MoDOT has turned the corner and is earning the trust of Missouri taxpayers because they are eliminating the problems that confronted them in the past and they are now focused on one central mission, “building and maintaining roads.” I know they are up to the challenge and tonight, I call upon the State Highways and Transportation Commission and their Director, Pete Rahn, to complete the Smooth Roads Initiative by December 31, 2006 - one year ahead of schedule.

As a product of Missouri’s public schools, I am deeply committed to public education. In the past, schools suffered from budget withholdings that were shortsighted and diminished opportunities for young Missourians. I pledged to Missourians that I would deliver consistent increases to our schools and that withholdings would stop. Last year, we fulfilled that promise and delivered 158 million new dollars to public schools, a 4.4 percent increase. We also passed a new funding formula that is based on the needs of Missouri school children rather than the taxing capacity of school districts. At the same time, we ensured that last year’s budget provided public colleges and universities with more funding than any budget of the prior administration.

In 2005, we did the most basic things in making a Missouri Family First budget. We set priorities and made choices. We got serious about getting full value for people’s hard-earned tax dollars. We found and ended many wasteful practices and created a culture that is committed to efficiency and responsible stewardship. We put children and taxpayers first. We changed course to bring the state’s priorities in sync with the people’s priorities.

Fiscal responsibility in budgeting works hand in hand with policy changes such as ending lawsuit abuse and establishing the Quality Jobs initiative. Today’s deficit spending is tomorrow’s job-killing tax hike. Last year we did not allow ourselves to make spending decisions under the false illusion that there is no end to state resources. We cannot dig ourselves into the spending hole that made last year so challenging. However, we can and should invest dollars wisely in order to secure an even brighter future.

The budget I present tonight required much thought and consideration. It lives within the people’s means while funding the many important services provided by state government.

Notably, the new budget is balanced without new job-destroying taxes and without borrowing or accounting gimmicks. This is a MISSOURI balanced budget. *Spending and revenue are in balance.* Last year we ended the policy of spending money that we do not have.

My priorities remain clear. From pre-school to college, the state budget should reflect the number one fiscal priority of state government – “to educate and prepare our children for the 21st century.” Last year, Melanie and I were blessed with the birth of our son. We, like all Missourians, want to provide him with every opportunity to achieve the American dream. At a young age, children’s minds are eager to learn, and as a state we should look for

opportunities to foster that desire for knowledge so that Missouri’s students will lead the nation and, more importantly, thrive in the competitive global marketplace.

A key component of my comprehensive childhood education commitment is an increased investment in Parents-As-Teachers. Parents-As-Teachers changes children’s lives and ensures that any developmental delays are identified and corrected early, providing a bright future for Missouri children. My new budget provides another \$1,000,000 to Parents-As-Teachers in addition to last year’s increase.

I am committed to delivering more taxpayer resources to Missouri schools every year. Last year we increased state aid to education by \$158,000,000. My new budget fully funds the first year of the new school foundation formula and provides a total increase of 167 million new education dollars. Combined, these increases will result in 325 million new dollars for schools delivered by my Administration and this General Assembly.

We should ensure that as many of those new dollars as possible reach the classroom. There has already been a great deal of healthy and beneficial discussion regarding my proposal to deliver at least 65 percent of the education tax dollar to teachers and students, with others defending the current system. I do not believe it is acceptable to lag behind nearly every other state in teacher salaries or for some districts to spend only 52 or 53 cents of each education dollar on student instruction. That is not good stewardship of tax dollars.

I have heard comments and suggestions for adjustments to the education community’s definition of what constitutes classroom instruction. The definition is not my own. It belongs to the education establishment, but it is clearly not sufficient. I am open to meaningful discussion on this issue, but the bottom line is that more dollars must be delivered to the classroom.

Learning does not begin in kindergarten nor does it end after high school. Prior to my service as governor, colleges and universities were hit with significant cuts. This year, my budget calls for a \$17,000,000 increase for state colleges and universities, providing them with the resources they need to improve quality and hold back tuition increases.

The A+ program is an additional tool that helps young Missourians stay in school and ensures that advanced learning is a reality for more Missourians. My budget increases state funding for A+ by \$1,800,000, which will allow additional Missouri young people to attend community college and acquire the skills they need to be competitive in today’s global economy.

Residential care facilities such as Boys and Girls Town and Edgewood provide the love and support that can dramatically impact troubled children’s lives. Last year my budget recommended a \$2,100,000 increase in funding for these care providers. This year, I am pleased to include 2.8 million new state dollars in my budget request for residential care facilities.

Smoking is one of the leading healthcare cost drivers. In Missouri, smoking takes thousands of lives and devastates families. We all pay the costs of smoking through increased insurance premiums, social welfare for smokers and most significantly through the loss of family and friends afflicted with cancer. The tobacco settlement funds have been misused in the past, and I propose that one million of those dollars be spent on smoking prevention and cessation this year.

The spike in gas prices and home heating costs has hit all of our families. Fortunately, common sense policies and regulations in Missouri have resulted in residential utility rates that are the eighth lowest in the nation. However, some seniors and low income Missourians have been pushed past their financial ability to keep up, and we must respond. In order to help low-income Missourians pay high winter heating bills I ask that \$6,100,000 be dedicated immediately to Missouri's Utilicare program.

This program has never been fully funded and has received no funding since 2001. This crucial funding will provide real assistance to seniors and low-income Missourians. No Missourian should have to choose between heating and eating, between utilities or groceries.

Most seniors and disabled adults would like to remain in their own homes. In-home healthcare is more cost effective, and it allows them to do so. Last year, working together, we increased funding for in-home healthcare services. To continue encouraging home care as an option, this year's budget calls for a \$10,900,000 general revenue increase to improve the quality and availability of in-home healthcare.

Through the ethanol and bio-diesel incentive programs we are encouraging a vital expansion of the economy by producing renewable fuels and reducing America's and Missouri's dependence on the Middle East while providing ready markets for the farmers of the Midwest. My budget calls for full funding of Missouri's bio-diesel and ethanol incentive funds.

I also call upon this General Assembly to pass an "Energy and Green Power Initiative," to reach beyond full funding for bio-diesel and ethanol incentives. I ask that we give Missouri's heartland economy a major and lasting boost by requiring that motor fuel sold in Missouri for passenger cars and trucks contain 10 percent ethanol.

This standard will spur even greater economic development in rural Missouri. For all of us, it will provide cleaner air, lower prices and greater independence from Middle East oil supplies. Please stand with me against special interests and for our farmers, consumers, the environment and new energy supplies made right here in Missouri.

As a veteran, I feel a special privilege in leading a state that respects military service and supports those who have worn the uniform. In my budget, I ask that you establish a new state veterans' cemetery, Missouri's fifth, at Ft. Leonard Wood.

I also ask that you approve my requested appropriation to

strengthen the Veterans' Ombudsman program which serves men and women who are deployed in defense of our freedom and their families as well as those who have recently returned from deployment.

This night, and everyday as a free nation we are grateful to Missouri's men and women in arms.

Tonight, we have with us two Missourians who recently returned from active duty. Please join me in recognizing Major Brian K. Tully of Cape Girardeau and Master Sergeant Robert Miller of Tebbets. Both received the Bronze Star for their service in Iraq.

The state plays a key role in protecting children, families and seniors from criminals. We must do more to support law enforcement professionals on the front lines. Missouri has only four accredited full service crime labs. I ask that this General Assembly appropriate funds to staff and equip an additional state crime lab. This new lab will expedite forensic work, help ensure that case backlogs are not delaying justice, and get dangerous criminals out of our neighborhoods.

Drug courts save the state money. A University of Missouri study demonstrated that the cost per drug court participant is \$5,400 versus the \$14,000 cost the state bears to incarcerate a drug related inmate. Many non-violent drug offenders can be better punished and rehabilitated through drug courts, which is why my budget provides them with a \$2,100,000 increase.

We are striving every day for greater efficiency in your state government. In fact, the budget I am presenting tonight is the first in eight years that requests funding for fewer than 60,000 state employees. That is partly due to better management, but it is also dependent on Missouri's state employees. They have answered my call to provide more efficient and effective customer service to Missourians while at the same time using fewer resources. They are truly doing more with less. We should reward their good work. An important component of my budget is the inclusion of a four percent pay raise for state employees.

One of government's most basic responsibilities is to respect and safeguard the rights of the people. Sadly, a recent U.S. Supreme Court decision undermined those very rights.

I was offended by the ruling of the U.S. Supreme Court in the Kelo versus New London case. This ruling allows governments to take private property for the use and profit of private interests. This ruling was wrong. Churches and places of worship across our state that contribute immeasurably to society but generate no tax revenue should not fear the forced sale of their land.

I believe the work of my task force on this issue provides the Legislature with a sound basis for "fixing" the Kelo decision and ensuring that eminent domain abuses in Missouri are forever ended. I look forward to working with you to protect homeowners, farmers and small business men and women all across the state.

I recognize the importance of healthcare to every Missouri family, and I believe we have an obligation to provide assistance to

those truly in need of help. Last year, we took important steps to save Medicaid for our neediest citizens and began a process of reform. What few Missourians have heard is that we spent more money on Medicaid last year than we did the year before. If left unchecked the old program would literally bankrupt state government within a matter of years. Missourians know that simply throwing money at the problem without any other changes would not have solved the problem. Had we not taken action last year, today it would cost taxpayers an additional \$935,000,000 to fund the old program. For those who continue to clamor for a return to the old way I ask that you be candid. Be honest with the people of Missouri and tell them what programs you would cut or what taxes you would raise. Do not pretend that we can spend money in a vacuum with no resulting harm to schools or Missouri taxpayers.

My administration remains committed to providing meaningful assistance to our neediest citizens. Medicaid is an important state program. That is why my budget asks for 275 million additional state dollars to sustain its current commitments. This significant increase will allow us to continue providing healthcare for 16 percent of our fellow citizens. It also means that this important program will receive 29 percent of the entire budget.

Federally Qualified Health Centers and Community Health Centers combine federal, state and community resources with personal responsibility to expand access to healthcare. My budget provides an additional \$700,000 for the funding of new community health centers which will benefit tens of thousands of Missourians.

I also believe that technology and innovation are essential to improve the delivery of healthcare for all Missourians. That is why I am creating a Healthcare Information Technology Task Force to recommend ways to harness technology to make better care decisions for patients, which will lead to better results at reduced costs.

We must prepare now for the healthcare challenges of tomorrow. We should create a Healthcare Technology Fund to ensure that the basic technology that is pervasive throughout society is a part of the improved delivery of healthcare services to Missourians. This funding will involve multi-year projects that will explore new and innovative ways that technology can improve the delivery of care, reduce administrative burdens and eliminate waste and fraud. Programs funded with this money will emphasize personal responsibility and health literacy, and create a structure to help Missourians make informed healthcare decisions. The overarching goal is to improve the health status of all Missourians. The results will lead to a healthier state and a more efficient healthcare delivery system. That is why my budget provides 25 million new state dollars for a new Healthcare Technology Fund.

I commend the work of the legislative commission led by Senator Charlie Shields in outlining a structure for a new healthcare program that will improve the delivery and quality of healthcare in Missouri. We must also continue the successful work that has been

done to improve efficiency, eliminate waste and track down and prosecute those who defraud the medical safety net.

Fraud, whether by dishonest providers or ineligible recipients, comes at the direct expense of people who truly cannot provide for themselves. In the past, we had a lackadaisical approach to fraud. Rooting it out was not a priority, but since January 2005, it has been one of my chief objectives. Since I assumed office, \$138,000,000 of Medicaid waste and fraud has been identified and corrected.

Missourians by their nature are generous and compassionate to those in need. We must work together to create a new and better healthcare system in this state. This new program should contain many elements, such as additional incentives for employers who provide insurance to their employees, tax incentives for those who purchase their own medical, long term care and in-home health insurance, buying pools for small businesses and individuals to increase their purchasing power, all as part of an aggressive effort to reduce the number of uninsured Missourians.

We also must join together to bring greater transparency to our healthcare delivery system. We must arm Missourians with knowledge through increased access to information regarding the quality and cost of healthcare services. This vital information will allow Missourians to make informed healthcare decisions, and it will drive costs out of the system.

No state has found a “silver bullet” for the delivery of healthcare, and no state has the perfect program. All states are struggling with how to pay the mounting bills. But Missouri is being viewed as a national leader because of our commitment to innovative solutions for low-income healthcare and for the comprehensive and complete reworking of our program in an attempt to provide temporary help for Missourians during their time of need. Let us work together to create a healthcare system that offers assurance to our seniors, comfort to our families and hope to our children.

We also must pay particularly close attention to healthcare for our seniors. We all know the federal government has created a prescription drug benefit for them and I encourage all Missouri seniors to sign up for this important new assistance. I look forward to working with all of you to ensure that the state funded MissouriRx program is a robust supplement to the federal benefit.

I commend your action last year to make Missouri a leader in protecting our children from predatory criminals. Tonight, I propose a new series of crime measures to further protect the safety of our children. First, I propose that Missouri enact a version of Jessica’s Law, to impose a life sentence for sex crimes against children with a minimum of 25 years served in prison. These predators would then be under lifetime supervision after they complete their time behind bars.

We need to face facts. We have had little success at changing the behavior of child sex offenders. Too many children have been permanently scarred for us not to take action to appropriately punish

these evil criminals. We need to lock sexual predators up for a very long time and monitor them for the rest of their lives.

The Internet has opened a new avenue for dangerous criminals. I am proposing a mandatory minimum sentence for Internet sex offenders who entice young children, and I am asking you to require the posting of their pictures on the Internet. Even if the "child" they think they are enticing is actually a law enforcement officer, these sexual predators must be punished.

In addition to protecting our children, Missouri must also maintain commitments to our seniors. Tonight, I urge this body to pass stronger penalties for those who commit violent crimes or fraud against senior citizens.

We are living in an age in which we must always be prepared to respond to man-made and natural disasters. Just last month the Taum Sauk reservoir burst releasing 1.3 billion gallons of water into Johnson Shut-Ins state park, injuring park superintendent Jerry Toops and his family. Please join me in recognizing the Toops family, who are with us tonight.

I am happy to report that Jerry, Lisa and their children, Tanner, Tara and Tucker have all recovered and are doing well. The prayers of many Missourians including my own were answered, and we are so pleased to have them here tonight. The faith they have demonstrated is truly inspiring. The reservoir that was breached was under federal jurisdiction and, while Missouri had no authority to inspect the dam, we will insist that AmerenUE fully compensate those affected and provide 100 percent reimbursement to the state.

Working together we have solved many of the problems we faced in January 2005. Although we must work diligently on the budget before us, we have contained the raging blaze kindled by past over-spending and deficit budgeting.

None of the new investments that I have proposed here tonight would be possible had we not acted last year to improve our jobs climate and control unsustainable spending. Increased funding for schools, the strengthening of the safety net and holding the line on taxes depend upon responsible budgeting decisions.

Our record is clear. We promised a balanced budget without accounting tricks or tax increases. We have turned an over one billion dollar shortfall into a surplus, and we will build a brighter future for all Missourians on a solid financial foundation.

We promised to re-fire the economic engine of opportunity, and we have created a jobs environment which has resulted in 28,000 more Missourians achieving the dignity and independence a paycheck provides.

We promised to develop a better way to fund schools and to make the teaching of young people our first priority. The new student need-based funding formula is now the law, and I have recommended that we fully fund it.

We promised better stewardship and to fight waste and fraud. Millions of taxpayer dollars have been saved, and we will continue our ongoing efforts to achieve greater efficiency.

It may not be normal in politics, but what we have promised is what we have delivered.

As we tackle other tough issues ahead we should keep in mind the words of the Bible that "to whomever much is given, much will be required." We have been blessed as a people, as Americans and as Missourians. We have a moral obligation to set very high expectations for the future.

Every Missourian should be able to achieve their full potential, be blessed with financial security and be comforted knowing that we will keep our commitments and work together to build the Missouri of our dreams.

Thank you. May God bless you and may God continue to bless the great state of Missouri.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Koster.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Anita and Greg Coulter, Conception Junction.

Senator Clemens introduced to the Senate, Austin Owens, Fair Grove.

Senator Goodman introduced to the Senate, Don Wilks, Cape Fair.

Senator Champion introduced to the Senate, Barbara Brown, Springfield.

Senator Kennedy introduced to the Senate, Shannon Burke, John and Colleen Bognar and their children, Erin and Brendon, St. Louis; and Erin and Brendon were made honorary pages.

Senator Vogel introduced to the Senate, the Physician of the Day, Dr. Jerry Bruggeman, M.D., Holts Summit.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 12, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 821-Griesheimer	SB 842-Ridgeway
SB 822-Gross	SB 843-Graham, et al
SB 823-Klindt	SB 844-Graham, et al
SB 824-Klindt and Loudon	SB 845-Kennedy, et al
SB 825-Koster, et al	SB 846-Dougherty, et al
SB 826-Mayer	SB 847-Bartle
SB 827-Dougherty, et al	SRB 848-Bartle
SB 828-Scott	SB 849-Mayer, et al
SB 829-Dougherty, et al	SB 850-Alter
SB 830-Ridgeway, et al	SB 851-Stouffer
SB 831-Kennedy, et al	SB 852-Barnitz
SB 832-Griesheimer	SB 853-Green, et al
SB 833-Nodler	SB 854-Green
SB 834-Nodler	SB 855-Callahan
SB 835-Engler	SB 856-Callahan
SB 836-Engler	SB 857-Nodler
SB 837-Loudon and Klindt	SB 858-Shields
SB 838-Loudon and Klindt	SB 859-Days
SB 839-Loudon and Klindt	SJR 34-Crowell and Barnitz
SB 840-Stouffer	SJR 35-Crowell
SB 841-Ridgeway, et al	

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

✓

Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 12, 2006

The Senate met pursuant to adjournment.

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord satisfies you with good things and your youth is renewed like an eagle’s.” (Psalm 103:5)

Gracious God, many times after a long week we don’t feel the vigor or strength of an eagle; and so we pray that we will use this time away from here to be renewed by our time with You and with those we love. And help us in all things to be doing that which improves our bodies, mind and spirit so we may truly be whole and refreshed. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Shields announced that Highway Patrolmen Major Dale Penn and Captain Brett Johnson had been given permission to enter the Chamber in full uniform including side arms.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1722, regarding Kyle David Sutherlin, Jackson, which was adopted.

Senator Klindt offered Senate Resolution No. 1723, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry R. Jacobs, Linneus, which was adopted.

Senator Klindt offered Senate Resolution No. 1724, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford E. “Gene” Ferguson, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1725

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 20, 2006.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1725** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1725** was adopted.

Senator Barnitz offered Senate Resolution No. 1726, regarding Kaela Aerin Holtmeyer, Hermann, which was adopted.

CONCURRENT RESOLUTIONS

Senator Champion offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, Missouri highway work zone crashes resulted in 5,852 injuries and 97 deaths to motorists between 1999 and 2003; and

WHEREAS, in 2004, three Missouri Department of Transportation employees were killed and 69 injured in work zones; and

WHEREAS, 28 Missouri State Highway Patrolmen have given the ultimate sacrifice, including seven Missouri State Highway Patrolmen who were killed along side Missouri's highways since 2001; and 16 Missouri State Highway Patrol vehicles have been involved in traffic accidents in the last twelve

months; and

WHEREAS, highway injuries and fatalities are the result of driver inattention and the failure of drivers to slow down and move over in work zones or upon approach of emergency vehicles; and

WHEREAS, highway workers, including employees of the Missouri Department of Transportation, Missouri State Highway Patrol, law enforcement agencies, emergency medical services personnel, and highway contractors, regularly must work within the public right of way and in close proximity to traffic; and

WHEREAS, many of the causes of highway work deaths are preventable, including driver inattention, driving too fast for conditions, failing to yield right of way, following too closely and changing lanes improperly; and

WHEREAS, the Missouri General Assembly passed House Bill No. 1270 and House Bill No. 2032 in 2002 to require Missouri motorists to move over one lane or slow down when approaching parked emergency motor vehicles on highway right-of-ways; and

WHEREAS, public awareness of the need for greater caution and care by motorists while driving through highway work zones, while promoting safe practices by highway workers in highway work zones must be increased in the state of Missouri; and

WHEREAS, the Missouri General Assembly desires to promote highway worker safety and to encourage motorists traveling through Missouri highway work zones to exercise caution and care; and

WHEREAS, the Missouri General Assembly desires to generate an increased awareness of Missouri's law to move over or slow down when approaching stationary emergency vehicles in order to avoid the recent tragedies experienced by the Missouri State Highway Patrol:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly encourage the Missouri Department of Transportation to create individual highway signs detailing the name and date of highway workers, emergency workers, and highway patrol officers injured or killed on Missouri highways and erect such signs at the location of the injury or death. The Missouri Department of Transportation shall not create or erect such highway signs unless the immediate family members of the highway workers, emergency workers, or highway patrol officers approve of the sign's creation; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Transportation.

INTRODUCTION OF BILLS

SB 860—By Callahan.

An Act to repeal section 143.011, RSMo, and

to enact in lieu thereof one new section relating to income taxation of resident taxpayers filing combined returns.

SB 861—By Ridgeway and Shields.

An Act to repeal sections 86.1230 and 86.1600, RSMo, and to enact in lieu thereof two new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

SB 862—By Engler.

An Act to amend chapter 260, RSMo, by adding thereto fourteen new sections relating to environmental covenants, with a severability clause.

SB 863—By Engler.

An Act to repeal section 320.300, RSMo, and to enact in lieu thereof one new section relating to volunteer fire protection associations.

SB 864—By Engler.

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to unemployment benefits for certain educational employees.

SB 865—By Cauthorn and Barnitz.

An Act to repeal sections 137.115 and 137.118, RSMo, and to enact in lieu thereof two new sections relating to the personal property tax exemption for livestock.

SB 866—By Graham.

An Act to repeal sections 208.010, 208.151, 208.152, 208.215, and 208.640, RSMo, and to enact in lieu thereof seven new sections relating to health care and social services.

SB 867—By Graham.

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

SB 868—By Koster.

An Act to amend chapter 208, RSMo, by

adding thereto one new section relating to the healthcare technology fund, with an emergency clause.

SB 869—By Koster.

An Act to repeal sections 217.735, 559.106, 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.090, 566.212, 568.080, 568.090, 589.407, and 589.414, RSMo, and to enact in lieu thereof fourteen new sections relating to crime, with penalty provisions.

SB 870—By Mayer.

An Act to repeal sections 57.290, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, and to enact in lieu thereof nine new sections relating to the transfer of existing appropriation payments in the office of administration, with a penalty provision and an emergency clause.

SB 871—By Coleman.

An Act to repeal sections 86.252, 86.253, and 86.255, RSMo, and to enact in lieu thereof four new sections relating to police retirement.

SB 872—By Gibbons, Champion and Stouffer.

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to motor vehicle drivers who fail to properly respond to emergency vehicles, with penalty provisions.

SB 873—By Gibbons.

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

SB 874—By Shields, Wheeler, Ridgeway, Koster, Bartle, Graham, Scott, Klindt and Kennedy.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers.

SJR 36—By Graham.

Joint Resolution submitting to the qualified

voters of Missouri, an amendment repealing sections 15 and 24 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to duties of the state treasurer.

SJR 37—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 36 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the presentation of a balanced budget by the general assembly to the governor.

SJR 38—By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, adding thereto one new section relating to taxing tobacco products.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Gwenna Peters, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

M. Kathleen Alexander, as a member of the Missouri State Committee of Interpreters;

Also,

Quentin L. Jennings, as a member of the Kansas City Board of Election Commissioners;

Also,

Thomas J. Irwin, as a member of the Regional Convention and Sports Complex Authority;

Also,

Greg White, as a member of the Corrections Officer Certification Commission;

Also,

John L. Bognar, as a member of the Board of Geologist Registration;

Also,

William M. Duff, M.D., as a member of the Missouri Head Injury Advisory Council;

Also,

Charles Royce Fugate, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Martin D. Vernon, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Lois A. Linton, as a member of the State Committee of Marital and Family Therapists;

Also,

Sharad P. Parikh, M.D., as a member of the Drug Utilization Review Board;

Also,

Anita L. Coulter, as a member of the Missouri Training and Employment Council;

Also,

Reid K. Forrester, as a member of the Board of Probation and Parole.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its

advice and consent to the above appointments, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 11, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Monica E. Haaf, 5015 Shady Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,

MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 11, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Valeri J. Lane, 21088 Glenn Road, Sedalia, Pettis County, Missouri 65023, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,

MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
January 11, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

Roger L. Mitchell, 502 West Lathrop Road, Columbia, Boone County, Missouri 65203, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, Judith Haggard, withdrawn.

Respectfully submitted,

MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
January 11, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald W. Randen, Post Office Box 91, 195 Street Highway 153, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2009, and until his successor is duly appointed and qualified; vice, Robert Honan, term expired.

Respectfully submitted,

MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 857—Education.

On motion of Senator Shields, the Senate recessed until 12:00 noon.

RECESS

The time of recess having expired, the Senate was called to order by Senator Vogel.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HB 1015**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 5, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Re: Appointment to Medical and Technical Advisory Committee

Dear Mrs. Spieler:

Pursuant to Section 208.195, RSMo, I am appointing Senator Pat Dougherty to the Medical Technical Advisory Committee.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

January 11, 2006

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol Building, Room 325
Jefferson City, MO 65101

Re: Appointment to the Joint Committee on Transportation Oversight

Dear Terry:

Due to the vacancy created by the resignation of Senator Jon Dolan, pursuant to Section 21.795, RSMo 2002, I am appointing Senator Delbert Scott to the Joint Committee on Transportation Oversight.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Major Dale Penn and Captain Brett Johnson, members of the Missouri Highway Patrol, Jefferson City.

Senator Stouffer introduced to the Senate, Jordan Hodges, Matt Ketchum and Valeta McGhee, Odessa.

Senator Vogel introduced to the Senate, the Physician of the Day, Dr. Mike Wilson, M.D., Fulton.

On motion of Senator Shields, the Senate adjourned until 12:00 noon, Tuesday, January 17, 2006.

SENATE CALENDAR

SEVENTH DAY--TUESDAY, JANUARY 17, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 821-Griesheimer
SB 822-Gross

SB 823-Klindt
SB 824-Klindt and Loudon

SB 825-Koster, et al	SB 852-Barnitz
SB 826-Mayer	SB 853-Green, et al
SB 827-Dougherty, et al	SB 854-Green
SB 828-Scott	SB 855-Callahan
SB 829-Dougherty, et al	SB 856-Callahan and Bartle
SB 830-Ridgeway, et al	SB 858-Shields
SB 831-Kennedy, et al	SB 859-Days
SB 832-Griesheimer	SB 860-Callahan
SB 833-Nodler	SB 861-Ridgeway and Shields
SB 834-Nodler	SB 862-Engler
SB 835-Engler	SB 863-Engler
SB 836-Engler	SB 864-Engler
SB 837-Loudon and Klindt	SB 865-Cauthorn and Barnitz
SB 838-Loudon and Klindt	SB 866-Graham
SB 839-Loudon and Klindt	SB 867-Graham
SB 840-Stouffer	SB 868-Koster
SB 841-Ridgeway, et al	SB 869-Koster
SB 842-Ridgeway	SB 870-Mayer
SB 843-Graham, et al	SB 871-Coleman
SB 844-Graham, et al	SB 872-Gibbons, et al
SB 845-Kennedy, et al	SB 873-Gibbons
SB 846-Dougherty, et al	SB 874-Shields, et al
SB 847-Bartle	SJR 34-Crowell and Barnitz
SRB 848-Bartle	SJR 35-Crowell
SB 849-Mayer, et al	SJR 36-Graham
SB 850-Alter	SJR 37-Graham
SB 851-Stouffer	SJR 38-Gross

HOUSE BILLS ON SECOND READING

HB 1015-Icet

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

To be Referred

SCR 22-Champion

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 17, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1015—Appropriations.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Reverend Carl Gauck offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

Gracious God, we return from a long weekend with the opportunity to think of the man, the Reverend Martin Luther King, whose birthday we celebrated, but more importantly whose life has shown us the wish that everyone does good unto all men and women. Help us this day and week, to do good and find ways to express our concerns and kindness that we might be instruments of service and help to those You have called us to live and serve. Guide us to the best use of our time and energies and to do what is necessary in this day You have given us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was

recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 12, 2006, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Green offered Senate Resolution No. 1727, regarding Douglas R. Martin, High Ridge, which was adopted.

Senator Green offered Senate Resolution No. 1728, regarding the Eightieth Birthday of John Charles Thomas, Falls City, Nebraska, which was adopted.

Senator Shields offered Senate Resolution No. 1729, regarding Emily McCole, which was adopted.

Senator Shields offered Senate Resolution No. 1730, regarding Robert Alan Wilbur, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1731, regarding Brett Ryan Huntley, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1732, regarding Kyle Thomas King, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1733, regarding Troy Vincent Shoemaker, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1734, regarding Sean Adams Logan Heard, Platte City, which was adopted.

Senator Purgason offered Senate Resolution No. 1735, regarding the Ninety-seventh Birthday of Eunice Stout, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1736, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Underwood, Thayer, which was adopted.

Senator Scott offered Senate Resolution No. 1737, regarding Ted Litschauer, Sedalia, which was adopted.

Senator Gibbons offered Senate Resolution No. 1738, in memory of Dean Trowbridge Murray, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1739, regarding the Ninety-first Birthday of Constance Murray Dorsey, Crestwood, which was adopted.

Senator Nodler offered Senate Resolution No. 1740, regarding Ruth Kolpin-Rubison, Carthage,

which was adopted.

Senator Green offered Senate Resolution No. 1741, regarding Grace Zykan, Florissant, which was adopted.

Senator Goodman offered Senate Resolution No. 1742, regarding the Taneyville R-II School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1743, regarding Jay T. Lewis, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1744, regarding Mr. and Mrs. Charles Skaggs, Aurora, which was adopted.

Senator Kennedy offered Senate Resolution No. 1745, regarding Helen Headrick, Oakville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1746, regarding the birth of Natalie Shaye Smith, Liberty, which was adopted.

Senator Stouffer offered Senate Resolution No. 1747, regarding the birth of Hayden Wayne Wooldridge, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1748, regarding the birth of Jordan Raelee Sanders, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1749, regarding the birth of Clayton Glenn Stevens, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1750, regarding the birth of Jacob Verl Bettes, which was adopted.

Senator Stouffer offered Senate Resolution No. 1751, regarding the birth of Chloe Colleen Gibson, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1752, regarding the births of Erika and Paige Lilleman, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1753, regarding the birth of Anna Catherine

Pegelow, Keytesville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1754, regarding the birth of Jada Jolee Sweat, Robertsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1755, regarding the birth of Calvin Ray Dowell, which was adopted.

Senator Stouffer offered Senate Resolution No. 1756, regarding the birth of Lauryn Marjorie Nelson, Moberly, which was adopted.

Senator Stouffer offered Senate Resolution No. 1757, regarding the births of Ryan Parker, Emma Kayleigh, Alex Taylor and Paige Elizabeth Snodgrass, Polo, which was adopted.

Senator Stouffer offered Senate Resolution No. 1758, regarding the birth of Phoebe Bethann McCleary, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1759, regarding the birth of Taylor Pershing Smith, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1760, regarding the birth of Brooklyn Renee Wade, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1761, regarding the birth of Wyatt Lee Veach, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1762, regarding the birth of Connor Christopher Besand, Saint Charles, which was adopted.

Senator Stouffer offered Senate Resolution No. 1763, regarding the birth of Hunter Allen Mullen, Independence, which was adopted.

Senator Stouffer offered Senate Resolution No. 1764, regarding Mr. and Mrs. Timothy Bergsieker, Higginsville, which was adopted.

Senator Bray offered Senate Resolution No. 1765, regarding Lee Payne, University City, which was adopted.

Senator Clemens offered Senate Resolution No. 1766, regarding Stephanie Long, Ozark, which was adopted.

Senator Stouffer offered Senate Resolution No. 1767, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ted Burkhart, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1768, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Graham, Atlanta, which was adopted.

Senator Stouffer offered Senate Resolution No. 1769, regarding Alice Hoepfner, which was adopted.

Senator Graham offered Senate Resolution No. 1770, regarding Tyler D. Kyle, Columbia, which was adopted.

Senator Callahan requested unanimous consent of the Senate to withdraw **SB 855**, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 875—By Barnitz, Nodler, Alter, Green, Dougherty, Days, Engler, Graham, Wheeler, Mayer, Kennedy, Griesheimer, Coleman, Champion and Koster.

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

SB 876—By Loudon.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition

grants for dependents and spouses of military members.

SB 877—By Kennedy and Bray.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for persons assisting disabled citizens, with an expiration date.

SB 878—By Champion.

An Act to repeal section 210.482, RSMo, and to enact in lieu thereof one new section relating to child protection.

SB 879—By Bray.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to prohibiting the department of transportation from closing a portion of U.S. Highway in order to expedite reconstruction.

SB 880—By Bray, Coleman, Wheeler and Kennedy.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

SB 881—By Engler.

An Act to authorize the conveyance of property owned by the state to St. Francois County.

SB 882—By Engler.

An Act to amend chapter 319, RSMo, by adding thereto fifteen new sections relating to blasting and excavation, with penalty provisions.

SB 883—By Engler.

An Act to repeal sections 354.150, 354.495, 374.160, and 374.230, RSMo, and to enact in lieu thereof four new sections relating to funding for the department of insurance.

SB 884—By Callahan.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to the sole purpose of excluding a sales tax imposed

by Jackson County for sports stadium improvement from economic activity tax revenues for tax increment finance projects.

SB 885—By Cauthorn.

An Act to repeal sections 374.710, 374.715, 374.755, 374.759, and 544.640, RSMo, and to enact in lieu thereof eight new sections relating to bail bond licensure, with penalty provisions.

SB 886—By Goodman.

An Act to repeal section 452.075, RSMo, and to enact in lieu thereof one new section relating to alimony and maintenance.

SB 887—By Green.

An Act to repeal section 130.032, RSMo, and to enact in lieu thereof one new section relating to limitations on campaign contributions.

SB 888—By Koster.

An Act to repeal sections 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof thirty-nine new sections

relating to title insurance, with an effective date.

SB 889—By Shields, Vogel, Gross, Loudon, Ridgeway, Clemens, Scott, Griesheimer, Engler, Mayer, Alter, Wheeler, Champion, Klindt, Stouffer, Nodler and Cauthorn.

An Act to repeal section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to civil defense.

Senator Ridgeway assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 821—Transportation.

SB 822—Ways and Means.

SB 823—Small Business, Insurance and Industrial Relations.

SB 824—Judiciary and Civil and Criminal Jurisprudence.

SB 825—Economic Development, Tourism and Local Government.

SB 826—Transportation.

SB 827—Judiciary and Civil and Criminal Jurisprudence.

SB 828—Financial and Governmental Organizations and Elections.

SB 829—Commerce, Energy and the Environment.

SB 830—Pensions, Veterans' Affairs and General Laws.

SB 831—Education.

SB 832—Economic Development, Tourism and Local Government.

SB 833—Education.

SB 834—Education.

SB 835—Aging, Families, Mental and Public Health.

SB 836—Judiciary and Civil and Criminal Jurisprudence.

SB 837—Small Business, Insurance and Industrial Relations.

SB 838—Small Business, Insurance and Industrial Relations.

SB 839—Judiciary and Civil and Criminal Jurisprudence.

SB 840—Transportation.

SB 841—Aging, Families, Mental and Public Health.

SB 842—Ways and Means.

SB 843—Commerce, Energy and the Environment.

SB 844—Pensions, Veterans' Affairs and General Laws.

SB 845—Judiciary and Civil and Criminal Jurisprudence.

SB 846—Commerce, Energy and the Environment.

SB 847—Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Gibbons referred **SCR 22** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, Senator Vogel's daughter, Kristen, Jefferson City.

Senator Kennedy introduced to the Senate, Helen and Martha Finegar, Janet, Edward and Ryan Hoerner and Megan Meyer, St. Louis; and Brian Goldstein, Columbia.

Senator Loudon introduced to the Senate, Kim Levin, Creve Coeur.

Senator Griesheimer introduced to the Senate, Brian Griffith, Wildwood.

Senator Shields introduced to the Senate, Chris Gu, Columbia; and Morgan Mundell.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY--WEDNESDAY, JANUARY 18, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 848-Bartle
 SB 849-Mayer, et al
 SB 850-Alter
 SB 851-Stouffer
 SB 852-Barnitz
 SB 853-Green, et al
 SB 854-Green
 SB 856-Callahan and Bartle
 SB 858-Shields
 SB 859-Days
 SB 860-Callahan
 SB 861-Ridgeway and Shields
 SB 862-Engler
 SB 863-Engler
 SB 864-Engler
 SB 865-Cauthorn and Barnitz
 SB 866-Graham
 SB 867-Graham
 SB 868-Koster
 SB 869-Koster
 SB 870-Mayer
 SB 871-Coleman
 SB 872-Gibbons, et al

SB 873-Gibbons
 SB 874-Shields, et al
 SB 875-Barnitz, et al
 SB 876-Loudon
 SB 877-Kennedy and Bray
 SB 878-Champion
 SB 879-Bray
 SB 880-Bray, et al
 SB 881-Engler
 SB 882-Engler
 SB 883-Engler
 SB 884-Callahan
 SB 885-Cauthorn
 SB 886-Goodman
 SB 887-Green
 SB 888-Koster
 SB 889-Shields, et al
 SJR 34-Crowell and Barnitz
 SJR 35-Crowell
 SJR 36-Graham
 SJR 37-Graham
 SJR 38-Gross

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

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Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY—WEDNESDAY, JANUARY 18, 2006

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"God opposes the proud, but gives grace to the humble."
(1Peter 5:5)

Gracious God, order our footsteps by Your teachings and open our hearts by Your directing so we may be about the things that we have been elected to do and what we do is done with our conscience clear, and our decisions and lives righteous. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Kinder assumed the Chair.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the Associated Press, KRCG-TV, KOMU-TV, KMIZ-TV, Jefferson City News Tribune, Missouri National Guard, Missouri House of Representatives and the Senate had been given permission to take pictures in the Chamber today and that the Senate photographer had been given permission to video from the Gallery.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1771, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Bradley, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 1772, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roger Bryan, Savannah, which

was adopted.

Senator Coleman offered Senate Resolution No. 1773, regarding the New Northside Conference Center, which was adopted.

CONCURRENT RESOLUTIONS

Senators Coleman and Ridgeway offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, the lack of health care availability in the state of Missouri in unserved or under served areas compromises individual and state solvency, including depleting limited Medicaid resources; and

WHEREAS, the state of Missouri needs primary care physicians with training in the medical sciences including but not limited to anatomy, biochemistry, microbiology, immunology, pathology, physiology, physical and clinical diagnosis and treatment, lab diagnosis, diagnostic imaging, and natural therapeutics; and

WHEREAS, significant cost savings to the state of Missouri will result from identifying and implementing a system of treatment of disease with a respect to modalities including nutrition, botanical medicine, homeopathy, hydrotherapy, physical manipulation, pharmacology, minor surgery, and preventative care; and

WHEREAS, consistent with education and training, physical and laboratory examinations, diagnostic and imaging testing, dispensing, administering, and prescribing prescription drugs and medical devices are necessary elements to the provision of quality health care; and

WHEREAS, establishing uniform education standards and accountability throughout Missouri in curriculum and clinical training for primary care physicians protects the public health and welfare; and

WHEREAS, informing the public as to the benefits of preventative health care options is the best interest of both the patient and the public:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request that the Governor and the state of Missouri, establish a "Board of Naturopathic Medical Examiners"; and

BE IT FURTHER RESOLVED that such Board shall be comprised of five members to be appointed by the Governor, with the advice and consent of the Senate. The Board shall determine the scope of the practice of naturopathic physicians consistent with the education of the physician applicants. Four members of such Board shall be educated as primary care physicians with training in the

medical sciences, diagnosis and treatment, and natural therapeutics, qualified in the treatment of disease with a respect to modalities including nutrition, botanical medicine, homeopathy, hydrotherapy, physical manipulation, pharmacology, minor office procedures, and preventative care and one member shall have an interest in the rights of patient care consistent with this directive, representing the public at large; and

BE IT FURTHER RESOLVED that only a person who has received a doctor of naturopathy from a school, college, or institution that is accredited by the appropriate state educational accrediting agency in which its principal operations or offices are located, may hold themselves out as naturopathic physicians, except for primary care physicians who have a degree under Chapters 331 or 334, RSMo, and a doctor of naturopathy degree or health care providers who demonstrate a quality level of care for no less than twenty years as defined by the board created hereunder and who file an affidavit which such board stating qualifications that rise to the level of competence as determined in the sole discretion of such Board; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 890—By Bartle.

An Act to repeal section 589.425, RSMo, and to enact in lieu thereof one new section relating to the sexual offender registry, with penalty provisions.

SB 891—By Scott.

An Act to repeal section 21.795, RSMo, and to enact in lieu thereof one new section relating to the elimination of the position of the transportation inspector general.

SB 892—By Scott.

An Act to repeal sections 408.140 and 408.555, RSMo, and to enact in lieu thereof two new sections relating to mortgage loans.

SB 893—By Scott.

An Act to repeal section 321.554, RSMo, and

to enact in lieu thereof one new section relating to a sales tax for districts that provide certain emergency services.

SB 894—By Nodler, Shields, Bartle, Callahan, Gibbons and Griesheimer.

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to school districts providing an adequate education to students.

SB 895—By Engler.

An Act to repeal sections 354.210, 354.350, 354.444, 354.722, 374.046, 374.210, 374.215, 374.280, 374.512, 374.755, 374.787, 374.789, 375.012, 375.020, 375.152, 375.236, 375.306, 375.310, 375.445, 375.720, 375.777, 375.780, 375.786, 375.787, 375.881, 375.940, 375.942, 375.946, 375.994, 375.1010, 375.1012, 375.1014, 375.1016, 375.1135, 375.1156, 375.1160, 375.1204, 375.1306, 375.1309, 376.309, 376.889, 376.1094, 379.361, 379.510, 379.790, 380.391, 380.571, and 384.071, RSMo, and to enact in lieu thereof fifty-six new sections relating to various enforcement powers of the department of insurance, with penalty provisions.

SB 896—By Griesheimer.

An Act to repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to the graduated driver's licensing system, with penalty provisions and an effective date.

SB 897—By Kennedy.

An Act to amend chapter 334, RSMo, by adding thereto nine new sections relating to the medical imaging and radiation therapy quality assurance act, with penalty provisions.

SB 898—By Koster and Barnitz.

An Act to repeal sections 41.655, 41.1010, 42.007, 160.053, and 168.021, RSMo, and to enact in lieu thereof five new sections relating to the members of the military and their families.

SB 899—By Dougherty and Bray.

An Act to repeal section 570.223, RSMo, and to enact in lieu thereof one new section relating to unlawfully obtaining call logs, with penalty provisions.

INTRODUCTION OF GUESTS

President Pro Tem Gibbons introduced to the Senate the Honorable Newt Gingrich, founder of the Center for Health Transformation, who assumed the dais and addressed the members of the Senate.

President Kinder assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 900—By Shields.

An Act to repeal section 161.410, RSMo, and to enact in lieu thereof one new section relating to the Missouri commission for deaf and hard of hearing fund.

SB 901—By Shields.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the joint committee on health, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 17, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth M. Berry, 14881 Greenleaf Valley Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and

until his successor is duly appointed and qualified; vice, Thomas Cooling, withdrawn.

Respectfully submitted,
Matt Blunt

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 17, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Doris J. Carlin, submitted on January 4, 2006. Line 3 should be amended as follows:

“a term ending October 16, 2010, and until her successor is duly appointed”

Respectfully submitted,
Matt Blunt

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 17, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Charles W. Davis, submitted on January 4, 2006. Line 3 should be amended as follows:

“Commission, for a term ending October 16, 2010, and until his successor”

Respectfully submitted,
Matt Blunt

President Pro Tem Gibbons referred the above appointment and addendums to the Committee on Gubernatorial Appointments.

On motion of Senator Shields, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and

ordered printed:

SB 902—By Callahan.

An Act to amend chapter 149, RSMo, by adding thereto one new section relating to tobacco products that can be lawfully sold in Missouri.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1015**, begs leave to report that it has considered the same and recommends that the bill do pass.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SRB 848—Pensions, Veterans’ Affairs and General Laws.

SB 849—Small Business, Insurance and Industrial Relations.

SB 850—Pensions, Veterans’ Affairs and General Laws.

SB 851—Transportation.

SB 852—Ways and Means.

SB 853—Judiciary and Civil and Criminal Jurisprudence.

SB 854—Small Business, Insurance and Industrial Relations.

SB 856—Economic Development, Tourism and Local Government.

SB 858—Pensions, Veterans’ Affairs and General Laws.

SB 859—Financial and Governmental Organi-

zations and Elections.

SB 860—Ways and Means.

SB 861—Pensions, Veterans' Affairs and General Laws.

SB 862—Agriculture, Conservation, Parks and Natural Resources.

SB 863—Economic Development, Tourism and Local Government.

SB 864—Small Business, Insurance and Industrial Relations.

SB 865—Ways and Means.

SB 866—Aging, Families, Mental and Public Health.

SB 867—Economic Development, Tourism and Local Government.

SB 868—Pensions, Veterans' Affairs and General Laws.

SB 869—Judiciary and Civil and Criminal Jurisprudence.

SB 870—Financial and Governmental Organizations and Elections.

SB 871—Pensions, Veterans' Affairs and General Laws.

RESOLUTIONS

Senator Green offered Senate Resolution No. 1774, regarding Lorraine Hopson, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Chuck and Michelle Lentz and their children, Josiah and Uriah, Bolivar; and Josiah and Uriah were made honorary pages.

Senator Mayer introduced to the Senate, Linda and Charles Jones, their granddaughter, Katie Dennis and Sara Eyler, Poplar Bluff; and Katie and Sara were made honorary pages.

Senator Stouffer introduced to the Senate, his wife, Sue Ellen, Napton.

Senator Purgason introduced to the Senate, Ron and Suzy Johnson, Sunrise Beach.

Senator Nodler introduced to the Senate, General King Sidwell, his wife Cindy and their son, Trent, Sikeston; and Trent was made an honorary page.

Senator Wheeler introduced to the Senate, Antwaun Smith, St. Joseph.

Senator Koster introduced to the Senate, his mother, Patricia Koster and his step-father, Bob Thompson, St. Charles.

Senator Scott introduced to the Senate, his wife, Donna, Lowry City; and Evangeline Kramer, Lyndon, Kansas.

Senator Nodler introduced to the Senate, Diane Turner, Royce Lowe and Micah Mense, Tess Harmon, Michael Swanson, Valerie Royer and Samantha Stout, third grade students from Joplin R-8 Gifted Center.

On behalf of Senator Cauthorn and himself, Senator Shields introduced to the Senate, Congressman Kenny Hulshoff.

Senator Barnitz introduced to the Senate, Pastor Keith Carnahan and students from the Maranatha Baptist Academy, St. Robert.

Senator Champion introduced to the Senate, the Physician of the Day, Dr. John Lilly, D.O., Springfield.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY—THURSDAY, JANUARY 19, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 872-Gibbons, et al	SB 890-Bartle
SB 873-Gibbons	SB 891-Scott
SB 874-Shields, et al	SB 892-Scott
SB 875-Barnitz, et al	SB 893-Scott
SB 876-Loudon	SB 894-Nodler, et al
SB 877-Kennedy and Bray	SB 895-Engler
SB 878-Champion	SB 896-Griesheimer
SB 879-Bray	SB 897-Kennedy
SB 880-Bray, et al	SB 898-Koster and Barnitz
SB 881-Engler	SB 899-Dougherty and Bray
SB 882-Engler	SB 900-Shields
SB 883-Engler	SB 901-Shields
SB 884-Callahan	SB 902-Callahan
SB 885-Cauthorn	SJR 34-Crowell and Barnitz
SB 886-Goodman	SJR 35-Crowell
SB 887-Green	SJR 36-Graham
SB 888-Koster	SJR 37-Graham
SB 889-Shields, et al	SJR 38-Gross

HOUSE BILLS ON THIRD READING

HB 1015-Icet (Gross)

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

To be Referred

SCR 23-Coleman and Ridgeway

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Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 19, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Harry S Truman on January 20th, 1949 said: “The supreme need of our time is for men to learn to live together in peace and harmony.”

O King of the Universe, the years passed and we continue to see the need for peace and harmony in our world. Yet daily we hear of new deaths and acts of terrorism and murder of ordinary people and we seem further from Your teaching us to live together in peace. Help us to know and live a life that peace begins with us and our actions and decisions do have both negative and positive effects on others. Help us to be instruments of Your peace in our families, our communities, our state and nation, that our world may see and discover peace is truly possible. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 24

Relating to the Poultry Industry Committee.

WHEREAS, the poultry industry is a vital, profitable, and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, the Poultry Industry Committee was created in 2002 to study the economic and environmental impact of the poultry industry in this state, especially the impacts this industry has on sensitive environmental areas; and

WHEREAS, while the Poultry Industry Committee has officially completed its duties, there is still work to be accomplished:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby reauthorize the "Poultry Industry Committee" to continue its review and evaluation of both the economic impact of the poultry industry, waste disposal issues, and environmental impacts of this industry, and as well as making recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Committee shall be composed of twenty-seven members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, and one person from Missouri Farm Credit Services. Each member of the Committee shall serve until December 31, 2007; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation and the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall continue to study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2007; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2007; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Cauthorn offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, faith-based and community organizations are currently providing quality social services and making a positive difference in the communities they serve; and

WHEREAS, faith-based and community organizations are serving their communities in areas such as the prevention and treatment of juvenile delinquency, child care services, support services for the elderly, the prevention of crime, the intervention in and prevention of domestic violence, and a number of other social service areas; and

WHEREAS, some of these faith-based and community organizations are currently receiving funds from the federal government, or through the state, or a city, or local government that itself receives federal funds, to carry out their missions; and

WHEREAS, because of the quality services provided by these organizations, it is important for the state and local governments to utilize their services by working in partnership with faith-based and community organizations; and

WHEREAS, faith-based and community organizations that currently work in partnership with local governments or judicial circuits are doing so within the framework of the Constitutional church-state guidelines:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby express their gratitude to faith-based and community organizations working in their communities to improve the lives of the citizens of this state; and

BE IT FURTHER RESOLVED that we support the mission of faith-based and community organizations to provide social services to improve the lives of our citizens; and

BE IT FURTHER RESOLVED that we support and encourage the state and all local governments to work in partnership with faith-based and community organizations to provide quality social services that improve the lives of so many of our citizens in particular and better our society in general; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the presiding judge of each judicial circuit in this state, and to the director of each state department.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1775, regarding Jim Hall, which was adopted.

Senator Gibbons offered Senate Resolution No. 1776, regarding Meg Allen, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1777, regarding Raymond “Ray” Brock, Jr., Liberty, which was adopted.

Senator Graham offered Senate Resolution No. 1778, regarding the University of Missouri-Columbia Mizzou Tigers Football Team, which was adopted.

Senator Gibbons offered Senate Resolution No. 1779, regarding Michael “Mike” Gibbons, Sr., Kirkwood, which was adopted.

Senator Goodman offered Senate Resolution No. 1780, regarding Erica Maples, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1781, regarding Joe Schnabl, Cassville, which was adopted.

Senator Goodman offered Senate Resolution No. 1782, regarding Whitney Edmondson, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1783, regarding Mike and Cindy Carr, Cassville, which was adopted.

Senator Gibbons offered Senate Resolution No. 1784, regarding Herbert S. “Herb” Jones, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1785, regarding Eric Langhorst, Liberty, which was adopted.

Senator Wheeler offered Senate Resolution No. 1786, regarding Manny and Vivian Lopez, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1787, regarding the One Hundred

Fiftieth Anniversary of the City of Sullivan, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 903—By Griesheimer.

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to liability for tort claims.

SB 904—By Griesheimer.

An Act to repeal sections 8.007, 8.010, 8.110, 8.115, 8.120, 8.178, 8.180, 8.200, 8.250, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.380, 8.420, 8.800, 8.803, 8.805, 8.807, 8.810, 8.812, 8.815, 8.817, 8.820, 8.823, 8.830, 8.833, 8.835, 8.837, 8.840, 8.843, 8.845, 8.847, 8.849, 8.851, 34.030, 37.005, 107.170, and 610.021, RSMo, and to enact in lieu thereof forty-two new sections relating to designing, building, and managing state buildings.

SB 905—By Engler.

An Act to repeal section 383.105, RSMo, and to enact in lieu thereof eight new sections relating to medical malpractice insurance.

SB 906—By Engler.

An Act to repeal section 701.312, RSMo, and to enact in lieu thereof one new section relating to lead abatement.

SB 907—By Engler.

An Act to repeal sections 376.309 and 409.1-102, RSMo, and to enact in lieu thereof two new sections relating to securities regulation.

SB 908—By Stouffer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

SB 909—By Stouffer.

An Act to repeal section 304.170, RSMo, and

to enact in lieu thereof one new section relating to the length of driveway saddlemount combinations.

SB 910—By Stouffer.

An Act to repeal sections 148.376, 383.015, 383.020, and 383.035, RSMo, and to enact in lieu thereof five new sections relating to malpractice insurance.

SB 911—By Goodman.

An Act to repeal sections 145.009, 145.011, 145.041, 145.051, 145.091, 145.101, 145.102, 145.201, 145.301, 145.481, 145.511, 145.551, 145.552, 145.601, 145.711, 145.801, 145.846, 145.871, 145.961, 145.971, 145.985, 145.995, and 145.1000, RSMo, relating to estate taxes, with an effective date.

SB 912—By Goodman.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the establishment of a virtual school.

SB 913—By Vogel.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to amusement devices.

SB 914—By Koster.

An Act to repeal sections 383.160, 383.165, and 383.195, RSMo, and to enact in lieu thereof three new sections relating to the medical malpractice joint underwriting association.

SB 915—By Koster, Klindt, Gibbons and Graham.

An Act to amend chapter 393, RSMo, by adding thereto four new sections relating to the green power initiative, with an effective date.

SB 916—By Koster, Stouffer, Kennedy, Griesheimer, Wheeler, Ridgeway, Dougherty and Bray.

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, and to enact in lieu thereof

two new sections relating to child safety restraints, with penalty provisions and an effective date.

SB 917—By Gross and Gibbons.

An Act to amend chapter 33, RSMo, by adding thereto two new sections relating to the transfer of certain funds to the general revenue fund, with an emergency clause.

SB 918—By Scott.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof two new sections relating to a long-term care insurance tax deduction.

SB 919—By Scott.

An Act to repeal section 77.580, RSMo, relating to concealed weapons in third class cities.

SB 920—By Coleman and Bray.

An Act to amend chapter 178, RSMo, by adding thereto one new section relating to the urban flight scholarship program.

SB 921—By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the establishment of the Missouri Senior Cadets Program.

SB 922—By Wilson and Wheeler.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

HOUSE BILLS ON THIRD READING

HB 1015, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

Was taken up by Senator Gross.

On motion of Senator Gross, **HB 1015** was

read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Adolfo Castillo, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Doris J. Carlin and Charles W. Davis, as members of the Missouri Real Estate Commission;

Also,

Charles A. Juden, as a member of the Seismic Safety Commission;

Also,

Christopher D. Filer and Mary K. Meek, as members of the Missouri Training and Employment Council;

Also,

Daniel R. Orme, as a member of the State Committee of Psychologists;

Also,

Richard F. Baalman, Sr., Republican, as a member of the Missouri Housing Development Commission;

Also,

Robert Davis, as a member of the Corrections Officer Certification Commission;

Also,

Robert J. Crawford, Republican, as a member of the Missouri Board for Respiratory Care;

Also,

Kevin D. Wallace, D.D.A., as a member of the Missouri Dental Board;

Also,

Peggy Kubicek, as a member of the County Employees Retirement Fund;

Also,

Jack C. Baker, as a member of the Air Conservation Commission;

Also,

Terrence G. Klamet, as a member of the State Board of Podiatric Medicine.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 578**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a

willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby support observer status for Taiwan in the World Health Organization; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, Secretary of State of the United States, Director of the United States Department of Health and Human Services, Executive Director of the World Health Organization and the Director General of the Taipei Economic and Cultural Office in Kansas City.

President Kinder assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 2** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Gross—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Shields moved that **HCR 3** be taken

up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 3** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Dougherty	Graham	Gross	Kennedy—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

REFERRALS

President Pro Tem Gibbons referred **SCR 23** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 872—Transportation.

SB 873—Judiciary and Civil and Criminal Jurisprudence.

SB 874—Economic Development, Tourism and Local Government.

SB 875—Judiciary and Civil and Criminal Jurisprudence.

SB 876—Pensions, Veterans' Affairs and General Laws.

SB 877—Ways and Means.

SB 878—Judiciary and Civil and Criminal Jurisprudence.

SB 879—Transportation.

SB 880—Commerce, Energy and the Environment.

SB 881—Economic Development, Tourism and Local Government.

SB 882—Economic Development, Tourism and Local Government.

SB 883—Small Business, Insurance and Industrial Relations.

SB 884—Economic Development, Tourism and Local Government.

SB 885—Judiciary and Civil and Criminal Jurisprudence.

SB 886—Judiciary and Civil and Criminal Jurisprudence.

SB 887—Financial and Governmental Organizations and Elections.

SB 888—Small Business, Insurance and Industrial Relations.

SB 889—Aging, Families, Mental and Public Health.

SB 890—Judiciary and Civil and Criminal Jurisprudence.

SJR 34—Education.

SJR 35—Pensions, Veterans' Affairs and General Laws.

SJR 36—Governmental Accountability and Fiscal Oversight.

SJR 37—Governmental Accountability and Fiscal Oversight.

SJR 38—Ways and Means.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1015**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate,

the Physician of the Day, Dr. John Hagan, Kansas City.

Senator Days introduced to the Senate, Twameeka Graham, Kansas City.

Senator Coleman introduced to the Senate, Dr. John A. Mahoney and Dr. Michael F. Vincenc, St. Louis.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 23, 2006.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 23, 2006

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 891-Scott
 SB 892-Scott
 SB 893-Scott
 SB 894-Nodler, et al
 SB 895-Engler
 SB 896-Griesheimer
 SB 897-Kennedy
 SB 898-Koster and Barnitz
 SB 899-Dougherty and Bray
 SB 900-Shields
 SB 901-Shields
 SB 902-Callahan
 SB 903-Griesheimer
 SB 904-Griesheimer
 SB 905-Engler
 SB 906-Engler

SB 907-Engler
 SB 908-Stouffer
 SB 909-Stouffer
 SB 910-Stouffer
 SB 911-Goodman
 SB 912-Goodman
 SB 913-Vogel
 SB 914-Koster
 SB 915-Koster, et al
 SB 916-Koster, et al
 SB 917-Gross and Gibbons
 SB 918-Scott
 SB 919-Scott
 SB 920-Coleman and Bray
 SB 921-Coleman
 SB 922-Wilson and Wheeler

SENATE BILLS FOR PERFECTION

SB 578-Shields, with SCS

RESOLUTIONS

Reported from Committee

SCR 21-Ridgeway, et al, with SCS

To be Referred

SCR 24-Scott

SCR 25-Cauthorn

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Journal

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SECOND REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 23, 2006

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"You are a people holy to the Lord your God;" (Deuteronomy 7:6)

O Lord, as we begin a new week we ask that You help us to recognize our lives are in Your hands and You have called us to serve here and so we ask that You bless us and help us do what we must so You the giver of life may be glorified by our witness and our words. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 19, 2006 was read and approved.

Senator Shields announced that photographers from the St. Joseph News-Press had been given permission to take pictures in the Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1788, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elvin Enyeart, Keytesville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1789, regarding St. Clair Police Chief, Tom Yoder, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1790, regarding Ron Hopkins, Mexico, which was adopted.

Senator Goodman offered Senate Resolution No. 1791, regarding the Branson R-IV School

District, which was adopted.

Senator Stouffer offered Senate Resolution No. 1792, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Snow, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1793, regarding the death of Marvin J. Persell, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1794, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. David Thaller, which was adopted.

Senator Stouffer offered Senate Resolution No. 1795, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Bachtel, Brunswick, which was adopted.

Senator Engler offered Senate Resolution No. 1796, regarding Peggy Kellogg, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1797, regarding Ruth Schweiss, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1798, regarding Dolores Eddleman, Farmington, which was adopted.

Senator Scott offered Senate Resolution No. 1799, regarding the Stockton R-I School District's 2005 championship Dairy Foods team, which was adopted.

Senator Gross offered Senate Resolution No. 1800, regarding Angel Taylor, St. Charles, which was adopted.

Senator Klindt offered Senate Resolution No. 1801, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Clark Wortz, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1802, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Seipel, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 1803, regarding Ryan William Wright, Trenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1804, regarding the Ninety-sixth Birthday of Eula Peterson, Stoutland, which was adopted.

Senator Purgason offered Senate Resolution No. 1805, regarding the Ninetieth Birthday of Mary Pruitt, Lebanon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1806, regarding the death of Dr. Catherine Olive Boydston, M.D., which was adopted.

Senator Stouffer offered Senate Resolution No. 1807, regarding Mr. and Mrs. Donald Meyer, which was adopted.

Senator Stouffer offered Senate Resolution No. 1808, regarding the birth of Avery Brooke Hoflander, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1809, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clarence Kenney, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1810, regarding Amber Wesselman, Pilot Grove High School, which was adopted.

Senator Dougherty offered Senate Resolution No. 1811, regarding Caeli Grace JiaHua Millet, which was adopted.

Senator Nodler offered Senate Resolution No. 1812, regarding the One Hundred Sixty-fifth Anniversary of Jasper County, which was adopted.

Senator Shields offered Senate Resolution No. 1813, regarding Anthony Le Roy Glise, St. Joseph, which was adopted.

Senator Stouffer offered Senate Resolution No. 1814, regarding the birth of Scott Davidson Metz, Springfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 1815, regarding Bracie Mei Yao Rockhold,

Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1816, regarding the birth of Landen Bruce Reid, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1817, regarding the birth of Landon Wilson Meierer, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1818, regarding the birth of Richard Anthony McSparren, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1819, regarding the birth of Aniston Paige Wulff, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1820, regarding the birth of Olivia Renee Roush, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1821, regarding the birth of Kennedy Chrisanne Heil, Norborne, which was adopted.

Senator Stouffer offered Senate Resolution No. 1822, regarding the birth of Mason Lakota Shank, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1823, regarding the birth of Mallory Jo Brown, Clark, which was adopted.

Senator Stouffer offered Senate Resolution No. 1824, regarding the birth of Mollie Lynn Sims, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1825, regarding the birth of Dariyan Ra'Sean Reaves, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1826, regarding the birth of Ryan Avery Bennett, Monroe, Iowa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1827, regarding the birth of Dallas Channing Ford, Callao, which was adopted.

Senator Stouffer offered Senate Resolution No. 1828, regarding the birth of Heaven Merchelle

Amos, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1829, regarding the birth of Reece Matthew Tyler, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1830, regarding the birth of Derek Walter Collins, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1831, regarding the birth of Noah Lee Graham, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1832, regarding the birth of Isabella Rose Elayne Widner, Tipton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1833, regarding the birth of Hailee Jae Green, which was adopted.

Senator Stouffer offered Senate Resolution No. 1834, regarding the birth of Abigail Danielle Wymore, San Angelo, Texas, which was adopted.

Senator Stouffer offered Senate Resolution No. 1835, regarding the birth of Emery Kai Sousley, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1836, regarding Larry E. Greim, Excelsior Springs, which was adopted.

Senator Nodler offered Senate Resolution No. 1837, regarding the One Hundredth Anniversary of the Neosho Daily News, which was adopted.

Senator Wheeler offered Senate Resolution No. 1838, regarding Barbara Hall Marshall, Kansas City, which was adopted.

Senator Days offered Senate Resolution No. 1839, regarding Dr. Barbara Harbach, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 923—By Barnitz.

An Act to repeal section 100.255, RSMo, and

to enact in lieu thereof one new section relating to the Missouri development finance board.

SB 924—By Klindt.

An Act to amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act.

SB 925—By Cauthorn.

An Act to repeal sections 260.200, 260.262, 260.380, and 260.391, RSMo, and to enact in lieu thereof four new sections relating to hazardous waste.

SB 926—By Cauthorn.

An Act to repeal sections 60.580 and 327.371, RSMo, and to enact in lieu thereof two new sections relating to land surveyors.

SB 927—By Gross.

An Act repeal sections 32.115, 33.282, 100.297, 135.313, 135.352, 135.403, 135.484, 135.503, 135.535, 135.545, 135.700, 135.750, 135.766, 253.545, 253.557, 253.559, 320.093, 348.302, 447.708, and 620.650, RSMo, and to enact in lieu thereof seventeen new sections relating to limitations upon issuance and redemption of economic development tax credits.

SB 928—By Green.

An Act to repeal section 285.300, RSMo, and to enact in lieu thereof two new sections relating to employee misclassification.

SB 929—By Green.

An Act to repeal sections 287.120 and 287.140, RSMo, and to enact in lieu thereof two new sections relating to reductions in workers' compensation benefits, with penalty provisions.

SB 930—By Green.

An Act to amend chapters 21 and 620, RSMo, by adding thereto four new sections relating to trade agreements.

SB 931—By Scott.

An Act to repeal section 238.216, RSMo, and

to enact in lieu thereof one new section relating to the election of directors for transportation development districts.

SB 932—By Scott.

An Act to repeal section 54.040, RSMo, and to enact in lieu thereof one new section relating to county treasurers.

SB 933—By Scott.

An Act to repeal sections 388.600, 388.605, 388.615, and 388.645, RSMo, and to enact in lieu thereof four new sections relating to railroad policemen.

SB 934—By Engler.

An Act to repeal section 328.115, RSMo, and to enact in lieu thereof one new section relating to barbers and barber establishments.

SB 935—By Engler.

An Act to repeal sections 328.010, 328.015, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.100, 328.110, 328.115, 328.120, 328.130, 328.140, 328.150, 328.160, 329.010, 329.015, 329.025, and 329.028, RSMo, and to enact in lieu thereof five new sections relating to barbers and barber establishments.

SB 936—By Vogel.

An Act to repeal section 182.105, RSMo, and to enact in lieu thereof one new section relating to county library district bonds.

SB 937—Nodler.

An Act to repeal section 168.015, RSMo, and to enact in lieu thereof one new section relating to the commissioner's advisory council.

SB 938—By Stouffer.

An Act to amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

SB 939—By Stouffer.

An Act to repeal section 383.105, RSMo and to enact in lieu thereof seven new sections relating to medical malpractice insurance, with an expiration date for a certain section.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 578**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 578**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 578

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

Was taken up.

Senator Koster assumed the Chair.

Senator Shields moved that **SCS** for **SB 578** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 578** was declared perfected and ordered printed.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 24—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **SCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 891—Transportation.

SB 892—Financial and Governmental Organizations and Elections.

SB 893—Economic Development, Tourism and Local Government.

SB 894—Education.

SB 895—Judiciary and Civil and Criminal Jurisprudence.

SB 896—Transportation.

SB 897—Aging, Families, Mental and Public Health.

SB 898—Pensions, Veterans' Affairs and General Laws.

SB 899—Commerce, Energy and the Environment.

SB 900—Aging, Families, Mental and Public Health.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 18, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Terri R. Marty, submitted on January 4, 2006. Line 3 should be amended as follows:

“ending October 28, 2008 and until her successor is duly appointed and”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 19, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Katharine H. Barondeau to the Missouri Training and

Employment Council, submitted on January 4, 2006. Line 1 and Line 2 should be amended as follows:

“Katharine H. Barondeau, 252 Constitution Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 19, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Sarah E. Murray to the Missouri Women’s Council, submitted on January 4, 2006. Line 1 should be amended as follows:

“Sarah R. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 19, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of John L. Winston to the Missouri State University Board of Governors, submitted on January 4, 2006. Line 1 should be amended as follows:

“John L. Winston, Republican, 8510 Skyline, Saint Louis, Saint Louis County, Missouri”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 19, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Baughn T. Meredith to the State Soil and Water District Commission, submitted on January 4, 2006. Line 1 should be

amended as follows:

“Baughn T. Meredith, Democrat, 2703 South Ward Avenue, Caruthersville”

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above addendums to the Committee on Gubernatorial Appointments.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 798** to the Committee on Financial and Governmental Organizations and Elections.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 578**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 20, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Re: Appointment to Midwestern Higher Education Commission

Dear Mrs. Spieler:

Effective this date, Senator Charles Shields will be replacing Senator Gary Nodler on the Midwestern Higher Education Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Jake Heisten, Carthage.

Senator Goodman introduced to the Senate,

Derick Barnes, Mt. Vernon; Stacey Salmon, Kansas City; and Steve Daniels, Joplin.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 24, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 901-Shields	SB 921-Coleman
SB 902-Callahan	SB 922-Wilson and Wheeler
SB 903-Griesheimer	SB 923-Barnitz
SB 904-Griesheimer	SB 924-Klindt
SB 905-Engler	SB 925-Cauthorn
SB 906-Engler	SB 926-Cauthorn
SB 907-Engler	SB 927-Gross
SB 908-Stouffer	SB 928-Green
SB 909-Stouffer	SB 929-Green
SB 910-Stouffer	SB 930-Green
SB 911-Goodman	SB 931-Scott
SB 912-Goodman	SB 932-Scott
SB 913-Vogel	SB 933-Scott
SB 914-Koster	SB 934-Engler
SB 915-Koster, et al	SB 935-Engler
SB 916-Koster, et al	SB 936-Vogel
SB 917-Gross and Gibbons	SB 937-Nodler
SB 918-Scott	SB 938-Stouffer
SB 919-Scott	SB 939-Stouffer
SB 920-Coleman and Bray	

THIRD READING OF SENATE BILLS

SCS for SB 578-Shields

RESOLUTIONS

Reported from Committee

SCR 21-Ridgeway, et al, with SCS

✓

Unofficial

Journal

Copy

Journal of the Senate

SECOND REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 24, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

We pray, "For kings, and for all that are in authority; that we might lead a quiet and peaceable life in all godliness and honesty." (1 Timothy 2:2)

Gracious God, help us always be mindful that we are elected to help maintain the harmony among Your people here. Help us to pass laws that provide opportunities for a peaceful life that can safely take risk in the pursuit of happiness and be free to seek to lead a godly life. We ask this in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 940—By Clemens.

An Act to repeal sections 345.015, 345.030, and 345.055, RSMo, and to enact in lieu thereof three new sections relating to audiology.

SB 941—By Clemens.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Corporal John A. "Jay" Sampietro, Jr., MO state highway patrol memorial highway.

SB 942—By Ridgeway and Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to disabled American veteran special license plates.

SB 943—By Bray, Days, Wheeler, Coleman, Wilson and Graham.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof six new sections relating to reducing the number of abortions in the state through the prevention first act, with penalty provisions.

SB 944—By Bray, Green, Days, Callahan, Dougherty, Coleman and Kennedy.

An Act to amend chapter 285, RSMo, by adding thereto six new sections relating to health care payroll assessments.

SB 945—By Bray.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to members of the general assembly.

SB 946—By Shields.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

SB 947—By Shields.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to early childhood education.

SB 948—By Shields.

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof one new section relating to national guard member educational assistance grants.

SB 949—By Shields.

An Act to amend chapter 208, RSMo, by adding thereto three new sections relating to the

dental carve-out act of 2006.

THIRD READING OF SENATE BILLS

SCS for **SB 578**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 578**

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS** for **SB 578** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None**Absent—Senators—None****Absent with leave—Senators**

Coleman Days—2

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway Scott Shields Stouffer
Vogel Wheeler Wilson—31

Absent with leave—Senators
Coleman Days—2

NAYS—Senators—None

Vacancies—1

Absent—Senators—None

Absent with leave—Senators
Coleman Days—2

Vacancies—1

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Ridgeway moved that **SCR 21** with **SCS** be taken up for adoption, which motion prevailed.

SCS for **SCR 21** was taken up.

Senator Ridgeway moved that **SCS** for **SCR 21** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCR 21**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee, pursuant to **HCR 2**: Senators Bartle, Callahan, Coleman, Crowell, Green, Kennedy, Koster, Mayer, Ridgeway and Wheeler.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1840, regarding Jeremy Christopher Wood, which was adopted.

Senator Shields offered Senate Resolution No. 1841, regarding Andrew James Miller, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1842, regarding the 2005 West Platte High School Championship Football Team, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Diane Brewer, Danielle Schneider, Chrysa Wagner and Lisa Koob, members of the Missouri Association of Nurse Anesthetists.

Senator Gross introduced to the Senate, James Mueller, O'Fallon.

Senator Stouffer introduced to the Senate, Don and Marg Scott, Boonville.

Senator Engler introduced to the Senate, Richard and Terri Stis, Hematite.

On behalf of Senators Kennedy, Clemens, Ridgeway, Gross and himself, Senator Shields introduced to the Senate, Helen Headrick, St. Louis; Stephanie Long, Springfield; Eric Langhorst, Liberty; and Angel Taylor, St. Charles.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY—WEDNESDAY, JANUARY 25, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 901-Shields	SB 926-Cauthorn
SB 902-Callahan	SB 927-Gross
SB 903-Griesheimer	SB 928-Green
SB 904-Griesheimer	SB 929-Green
SB 905-Engler	SB 930-Green
SB 906-Engler	SB 931-Scott
SB 907-Engler	SB 932-Scott
SB 908-Stouffer	SB 933-Scott
SB 909-Stouffer	SB 934-Engler
SB 910-Stouffer	SB 935-Engler
SB 911-Goodman	SB 936-Vogel
SB 912-Goodman	SB 937-Nodler
SB 913-Vogel	SB 938-Stouffer
SB 914-Koster	SB 939-Stouffer
SB 915-Koster, et al	SB 940-Clemens
SB 916-Koster, et al	SB 941-Clemens
SB 917-Gross and Gibbons	SB 942-Ridgeway and Cauthorn
SB 918-Scott	SB 943-Bray, et al
SB 919-Scott	SB 944-Bray, et al
SB 920-Coleman and Bray	SB 945-Bray
SB 921-Coleman	SB 946-Shields
SB 922-Wilson and Wheeler	SB 947-Shields
SB 923-Barnitz	SB 948-Shields
SB 924-Klindt	SB 949-Shields
SB 925-Cauthorn	

Journal of the Senate

SECOND REGULAR SESSION

TWELFTH DAY—WEDNESDAY, JANUARY 25, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"A word fitly spoken is like gold." (Proverbs 25:11)

Gracious God, we are so mindful how people listen to what we say; some to rejoice in what is said, others listen to criticize and disagree. Help us to prepare well for what we have to say and write, and be efficient and aware of our audience. And may we be ever mindful of the power of our words and the good and the harm they can do. We ask that You bless us with the study and discipline we need to convey what is needed to be accomplished here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1843, regarding the One Hundred Second Birthday of Alice Jane Dickerson, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1844, regarding Nancy J. Melton, Independence, which was adopted.

Senator Graham offered Senate Resolution No. 1845, regarding Hugo Vianello, Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1846, regarding Deborah U. Parsons, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1847, regarding Karen A. Henry, Jefferson City, which was adopted.

Senator Crowell offered Senate Resolution No. 1848, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Glenn Williams, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1849, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gib Urhahn, Jackson, which was adopted.

Senator Klindt offered Senate Resolution No. 1850, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Osborne, Albany, which was adopted.

Senator Klindt offered Senate Resolution No. 1851, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Swaney, King City, which was adopted.

Senator Gibbons offered Senate Resolution No. 1852, regarding Jacob Frederick Balbes, Kirkwood, which was adopted.

Senator Crowell offered Senate Resolution No. 1853, regarding the Honorable Mary Kasten, Cape Girardeau, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 950—By Kennedy.

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof twelve new sections relating to the establishment of small employer purchasing alliances.

SB 951—By Cauthorn.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to revenues generated by moving traffic violations.

SB 952—By Goodman, Nodler, Gibbons, Shields, Dougherty, Callahan, Loudon, Days, Engler, Champion, Wheeler, Bray, Cauthorn, Griesheimer, Mayer, Coleman, Wilson, Clemens, Green, Kennedy, Scott, Vogel, Graham, Alter,

Purgason and Stouffer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

SB 953—By Engler, Klindt and Mayer.

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof forty-three new sections relating to the regulation of title insurance, with penalty provisions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the Judiciary

address. Representatives: Cunningham 86, Schneider, Smith 14, Lipke, Pollock, Schlottach, Skaggs, Low 39, Storch and Hughes.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives Davis, Flook, Pratt, Phillips, Ruestman, Oxford, Donnelly, Bland, Burnett and Stevenson.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Michael A. Wolff, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On roll call the following Representatives were present:

Present—Representatives

Aull	Avery	Baker 25	Baker 123
Bearden	Behnen	Bivins	Black

Bland	Bogetto	Bowman	Boykins
Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Casey	Chinn
Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158
Corcoran	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz
Fraser	Guest	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes
Icet	Jackson	Johnson 61	Johnson 90
Jolly	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Lipke	Loehner
Low 39	Lowe 44	Marsh	May
McGhee	Meadows	Meiners	Munzlinger
Muschany	Myers	Nance	Nieves
Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Rector	Roark
Robb	Robinson	Roorda	Rucker
Rupp	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schneider
Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 150	Spreng
Stevenson	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace
Walsh	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 159
Wright-Jones	Yaeger	Yates	Young
Zweifel	Mr Speaker—146		

Absent and Absent with leave—Representatives

Bean	George	Harris 23	Hobbs
Hunter	Johnson 47	Jones	Liese
Moore	Quinn	Richard	Ruestman
Smith 118	Wright 137—14		

Vacancies—3

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Michael A. Wolff, escorted the Chief Justice to the dais where

he delivered the State of the Judiciary Address to the Joint Assembly.

2006 STATE OF THE JUDICIARY ADDRESS

CHIEF JUSTICE MICHAEL A. WOLFF

Thank you for that warm welcome. I'm truly grateful to be here.

President Kinder, Speaker Jetton, honorable statewide elected officials, colleagues of the Supreme Court, honorable members of the cabinet, honorable members of this General Assembly and fellow citizens:

Thank you for this opportunity to speak with you today. Before I begin, I would like for us to remember Judge Theodore McMillian, who died last week. Judge McMillian was our state's first black circuit judge, state appeals judge and, for the past 27 years, a distinguished member of the United States Court of Appeals in St. Louis. He was a historic figure, an inspiration to those of us who were privileged to know him, and a generous mentor. Through his talents, persistence, civility and sense of humor, Judge McMillian opened doors that had previously been closed to men and women of his race. Let us pause for a moment of silence to honor him. Thank you.

This annual speech reminds us of our shared bond: our common oath to uphold the constitution and laws of this great state and nation. This shared promise binds us to a common goal, expressed by our state's motto: "The welfare of the people shall be the supreme law." We are, as my colleague Judge Mary Russell says, "constitutional partners."

Although members of the executive, legislative and judicial branches may not often think of themselves as partners, I believe the term fits. Each of us has a distinct and equally important role. The basic policies of our state are embodied in the constitution that the people themselves have enacted. In partnership with each other and with the people we serve – who retain for themselves the right to change the Constitution that we uphold and the laws that you write – we forge the body of law that governs all of us.

IMPORTANCE OF THE RULE OF LAW

More so than any other nation on Earth, we are a nation first and foremost of law. We have no common national origin or ethnicity that now forms our shared identity as Americans. Instead, our identity has been shaped by the rule of law and by our common experience that faithfulness to the law guarantees individual liberties, equality of opportunity and a functioning society. As constitutional partners, we *all* are given the task of protecting the long-standing rule of law. Its roots date back at least to the Magna Carta – some 800 years ago. In our state constitution, the people repeat the Magna Carta's command that "justice shall be administered without sale, denial or delay."

Our partnership preserves certain long-standing principles of the rule of law that set us apart from the many societies where the

people yearn to overcome the rule of "might makes right" or that perversion of the golden rule that "he who has the gold makes the rules."

Each of us may, from our varying perspectives and decidedly different constitutional roles, have a different view of what exactly the "rule of law" means. You in the General Assembly are commissioned broadly to carry out the preferences of your constituents – the majority of those who elected you. At times you may ask yourselves the age-old question: Am I elected merely to follow the *will* of my constituents, or do I use my own best judgment to achieve the *welfare* of all the people?

Courts, by contrast, work from texts – the words of the constitution, the common-law precepts expressed in judicial decisions, and the words that you write in statutes and that executive agencies write in regulations. We in the judicial branch labor over these words, and we strive to be faithful to their meaning.

The courts' work is dedicated to the application and enforcement of the constitution and laws. The vast majority of our work involves the lives of ordinary citizens. Very little of what our courts do makes news: the thousands of cases where businesses, large and small, enforce their contracts; where marital disputes are resolved; where property is conveyed; where wealth is transmitted through probate; where children, victims of domestic violence and other vulnerable people are protected; and where those accused of crime are tried.

Courts provide stable and rational resolution of disputes, protect property and economic interests, and, when needed, protect people from the overreaching of government. Courts cannot make everyone happy, but I do hope that the litigants and the public will respect the integrity of our processes and of our decision-makers, both judges and juries.

The courts' challenge is to be fair and impartial, professionally competent and prompt. We can do so only with your help and your support and our citizens' belief that the rule of law protects all of us even when we might disagree with particular decisions.

IDEALS OF EFFECTIVE COURTS

The rule of law is simple in theory, yet how can we maintain it in practice? One way is to compare ourselves to those nations in the process of creating a functioning rule of law. Many countries do not have a strong tradition embodying the rule of law and still resolve their disputes in the streets. People in these countries often look to the United States of America as a model, for they respect the integrity of our courts and the constitutional processes as they watch cases unfold here.

American lawyers and judges, at the request of our federal government, offer guidance to many countries about how to establish effective judiciaries. Under the auspices of the U.S. Agency for International Development, American lawyers and the National Center for State Courts have helped implement rule-of-law

programs in former Eastern bloc countries and in developing nations around the world. While we in America occasionally complain about the outcomes of particular cases, it is that process of peaceably resolving disputes that is one of our greatest exports and surely one of our most lasting legacies to the world. This simple concept of a rule of law – grounded in our constitutions, fashioned in our legislatures, administered by an executive branch and enforced in the courts – ensures civic order rather than civic chaos.

The rule of law is the foundation of a democratic government, of a strong economic system and of civic order. The rule of law ensures, in Lincoln's words, government of the people, by the people and for the people.

What do we tell the world are the criteria for courts under a rule of law? There are three key measures: independence, accountability and adequate resources. By examining how independent, accountable and adequately supported a nation's judiciary is, one can determine if that nation adheres to the rule of law or is still suffering from tyranny, lawlessness and corruption. By looking to a nation's respect for the rule of law we can discern the integrity of its governmental process, the progress of civil society, and the robustness and stability of its economic development.

JUDICIAL PRINCIPLES APPLIED TO MISSOURI

So let us ask: how does our Missouri Judiciary stack up to the same three measures – independence, accountability and resources? What really *is* the "State of the Judiciary" in our great state?

To answer these questions, we must first understand what these terms – independence, accountability and resources – mean. I will touch briefly on the first two, which my predecessors have discussed with you in recent years, and then spend a bit more time on the third.

"Independence," quite frankly, is both overused and misunderstood. It should not be interpreted, either by the public or by any judge, to mean that a judge is free to do as he or she sees fit. Such behavior runs counter to our oaths to uphold the law, and any attempt to put personal beliefs ahead of the law undercuts the effectiveness of the Judiciary as a whole. Better stated, "independence" refers to the need for courts that are fair and impartial when reviewing cases and rendering decisions. By necessity, it also requires freedom from undue outside influence or political intimidation, both in considering cases and in seeking the office of judge. Courts are not established to follow opinion polls or to try to discern the will of the people at any given time but rather are to uphold the law.

The people rely on courts to protect their access to justice and to protect their legal rights. For the sake of the people, then, judicial independence must always be coupled with the second stated measure – accountability.

In recent months we have seen two men nominated to the Supreme Court of the United States face intense questioning of their

views by members of the United States Senate. I believe these hearings offered an important lesson about the difference between judges and the legislators who questioned them.

The important lesson taught by Chief Justice John Roberts Jr. and Judge Samuel Alito is that they resisted demands to take positions on particular controversies that might come before the Court. They, in effect, refused to make campaign promises. Campaign promises are inconsistent with judging. After all, you don't want a referee in a football game to announce which side he will penalize before the game begins! If judges are to be faithful to the law, they must be prepared to consider written and oral arguments with an open mind. And this open-mindedness is what we ask of our fellow citizens – and you – who serve as jurors in courtrooms throughout this state – to not pre-judge the outcome before they can consider all the evidence and arguments. Judges as well as jurors must make decisions that are faithful to the law, regardless of the will of the people and even where, on occasion, they personally might prefer to decide otherwise. That is the essence of judging, and it is quite unlike the legislative role.

In our state, judicial accountability occurs on two broad levels. First, just like you, we are accountable to our fellow citizens through the election and retention systems. Unlike federal judges, who enjoy lifetime tenure, judges in Missouri have a direct connection to the voters. The people of Missouri have crafted a system that balances independence and accountability. In smaller counties, where voters can get to know their judicial candidates, there are elections. In some urban trial courts and the appellate courts, judges are selected under the nonpartisan court plan and periodically face the voters in retention elections. This system balances various competing interests and avoids the problems seen in other states where the integrity of the judicial process, even at the highest levels, increasingly has been brought into question.

Many of us who spend time in the eastern part of our state could not avoid seeing on television the kind of election that can result when millions of dollars are raised and spent on a judicial campaign. In the 2004 race for one district seat on the Illinois Supreme Court, most of the money spent was assuredly special interest money – business interests on the one side, trial lawyers on the other side – with charges and counter-charges that detracted seriously from the public's trust and confidence in the integrity and the impartiality of the judiciary. Missouri's system keeps courts accountable to the people while avoiding the kinds of campaigns that can diminish respect for judicial office.

Second, judges in Missouri are, above all, accountable to the law and the constitution through our sworn oaths. We are also accountable through the judicial disciplinary system established by our constitution. For nonpartisan judges subject to retention, The Missouri Bar is seeking to improve accountability by giving voters better evaluations of judicial performance. This fall, voters in some areas will have available to them not only the traditional evaluations

by lawyers who are acquainted with the judges' work but also evaluations by jurors of the judges who preside over the cases on which they serve.

Citizens view the courts as an important part of democracy that provides essential balance in our form of government. As a result, we conduct the courts' business as openly as possible consistent with the rights of individuals. We strive for predictability of outcomes for those who seek judgments in our courts as enshrined in the principle of *stare decisis*, constant professionalism, and fundamental fairness of procedure. The citizens of this great state expect – and deserve – no less.

FUNDING AN EFFICIENT AND PROFESSIONAL JUDICIARY

To ensure that Missouri's courts can give the level of performance required by these principles, we must have sufficient resources. On this third measure – resources – we are most reliant on our constitutional partners – both in the General Assembly and the executive branch. We rely on you to provide a budget that is sufficient to allow us to fulfill our constitutional responsibilities.

We share your hope that we are now emerging from the difficult fiscal times that have been so challenging for the past five years. During this time, we have tried to manage our resources well. Today, the judicial branch receives about 1.6 percent of the state's budget – less than the percentage of the state's budget that we received 20 years ago. During that same period, however, our responsibilities have increased; for instance, juvenile officers have been added to our budget to relieve county governments of some of the burden of supporting local courts. In the past 10 years, as our workforce has decreased, our trial court case filings have increased 23 percent, largely in civil cases involving breach of contract claims filed by businesses, landlord-tenant disputes and domestic relations. The other major area of increase was in felony criminal cases, due largely to new drug laws.

In light of these facts, it is clear that maintaining effective courts requires a renewed commitment of financial resources to the Missouri Judiciary. The amounts we need are quite small in comparison to the overall state budget, but they are essential.

When you and your constituents visit the courthouses in your district, you see the effects that our recent budget restrictions have had on our deputy clerks, who are the frontline personnel and the true face of our court system. Turnover in their ranks has reached an alarming rate, particularly in urban and suburban areas where the annual turnover rate is as high as 17 percent. Even in rural areas, where salaries are still more competitive, we experience significant turnover. Throughout the state – in both rural and urban courts – we have seen an actual decrease in the worth of salaries as wages fail to keep pace with the cost of living. Through these tough times, the many good people who have remained in our system despite layoffs and a lack of increasing salaries – like a lot of others in public service – have soldiered on.

We continue to improve court technology, consolidate local court functions and make other efforts to be efficient. But we need to retain our well-trained clerk staff, which we increasingly are unable to do. Often, after developing their skills and becoming proficient in working in the court system, they are marketable and move on to higher paying jobs with their new skills. While we can never stop some flow of workers out of public service, we hope that adopting the Governor's proposed 4-percent cost-of-living increase will assist us in retaining many of these frontline employees who are so important to the effectiveness of the Judiciary.

We appreciate your support, and the Governor's recent proposed increase, for our drug courts, which now operate in 35 of our 45 judicial circuits. It is in the interests of all of us, and the communities that we serve, to work together on measures such as drug courts and the sentencing advisory commission that can prevent repeat offenses so that our most expensive correctional resources – prisons – are reserved for violent offenders.

There is, of course, one other group on whom the budgetary constraints of recent years are taking a toll: our state's judges, who now face their sixth year without any pay increase or cost-of-living adjustment. The state of judicial salaries is having a negative impact on our ability to attract the state's best lawyers to judicial service to provide the best service to our citizens – and your constituents. I realize it may seem politically unpopular to some of you to consider a pay increase or cost-of-living adjustment for public servants who are paid better than most state employees. None of us, however, has the power to repeal the economic laws of the marketplace. Consider for a moment a few facts:

There now are Missouri attorneys fresh out of law school who are paid more in their very first legal jobs than some state trial judges before whom they may appear. For Missouri lawyers older than 36 years of age, the *average* salary is as much as one and a half times that of a state Supreme Court judge. While our state has attracted and retained – through increased compensation – many fine state-paid law professors, university administrators and other similarly talented public sector professionals, we have seen the opposite in the Judiciary. In recent years, some of our best jurists – including some from the Supreme Court – have moved on to much more lucrative jobs in the private sector, and the number of lawyers applying for judicial vacancies has decreased substantially.

I appreciate the fact that many in this great chamber make substantial financial sacrifices to serve here. Judges do so as well, but they also give up the opportunity for any supplement to their state salaries through the practice of law for which they are trained.

We all know that the calling to public service involves financial sacrifice. As with our clerk staff, we will never completely stop talented people from leaving public service. But when the gap between the private sector and public service gets too large, good people will not sacrifice their families' financial interests to answer the call. My greatest fear is that we will lose the ability to attract

enough of the state's finest lawyers to public service in the Judiciary.

I have one other request affecting the judicial branch that I make sincerely and respectfully: Let us consider the needs of the Judiciary and the state as a whole when evaluating local requests for additional resources. We in the judicial branch are aided in developing a statewide approach for the allocation of resources by judges from around the state who serve on our circuit court budget committee. I know that some of you have ideas for improving the use of our resources even beyond the efforts that we have made to assign judges to areas of critical need and to enlist the good work of senior judges in meeting these needs. We stand ready and willing to work with you, as constitutional partners, to improve the rational allocation of our resources.

OTHER PARTNERSHIPS THAT HELP THE STATE

Judicial effectiveness clearly does not rest on financial resources alone, nor is it solely the product of courts' efforts. It relies heavily on how we work with our other partners in this system of justice: law enforcement officers, prosecutors, public defenders and other attorneys. Members of The Missouri Bar contribute greatly to the cause of justice, not only as officers of the court but also through their volunteer efforts as *pro bono* attorneys, as members of Bar committees, and in other types of public service and civic leadership.

The public service of our law enforcement community is sometimes heroic and well known, but it is in their everyday efforts that they serve as frontline defenders of the rule of law. We continue to seek ways in which we can better cooperate and communicate with law enforcement, particularly through our ongoing commitment to court technology. The demands of recent legislation such as the sex offender registry, as well as the impending federal mandate to communicate commercial driver license revocations to other states, require us to be administrative partners in new and innovative ways with law enforcement. We seek your cooperation and support in these important efforts.

Likewise, we look to both prosecutors and public defenders on matters of mutual importance to the administration of justice. In this current session, we in the judicial branch pledge to work with these groups toward resolving some of the issues relating to administration of trials and other matters of mutual interest. We further pledge to work with the public defender system in whatever way possible toward the attraction and retention of employees and toward the alleviation of its ever-increasing caseload. When I spoke earlier of the challenge of attracting and retaining good public servants, those words echo all too loudly in light of the crisis facing our public defender system. Often the test of a system of justice is not how it treats our best citizens, but how it treats those who appear to be our worst. No system of justice can be effective without adequate legal representation for criminal defendants. It is in the interests of all of us – even if it were not a constitutional

requirement – that those whom the state deprives of liberty or life are guilty in fact and law of the crimes they are charged with committing. This goes to the legitimacy of the rule of law.

THE RULE OF LAW: A LIVING PRINCIPLE

So, are we there yet? Can Missouri be said to have a fully independent, accountable and adequately supported Judiciary? Well, we may not be there yet, but we know the way.

A recent national survey shows that most Americans want strong courts that will protect their individual rights, that will offer equal access to justice for all people, that are accountable to the constitution and the law, and that are free from the influence of politicians and special interest groups. If we are to be responsive to those ideals and to the values of our citizens – fundamental principles of this nation – then it is most important to strive for these goals above all else.

The ideals and values of the people are not expressed only in surveys. They are in our souls as Americans. From the beginning of the American Revolution, our people have understood the consequences of failing to have a judicial branch that is independent, accountable and adequately supported. The signers of the Declaration of Independence certainly understood what oppression could be inflicted by those in power when those values are ignored. The signers understood that it was necessary to have a stable justice system to protect the people from tyranny. We all remember “Life, Liberty, and the Pursuit of Happiness” enshrined in the Declaration of Independence. But consider, to be specific, some of the grievances in the Declaration against King George III, who deprived us “in many cases, of the benefits of trial by jury” and transported us “beyond seas, to be tried for pretended offenses. ... [H]e has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.”

As Americans in the 21st century, we intuitively value the checks and balances that are the hallmarks of our democratic republic, the protection of the rights of individuals, and the fundamental sense of fairness embodied in what the constitution calls due process of law. Our ideals and our goals are worthy of our constant efforts, individually and with you, our constitutional partners.

Today, in Missouri, we are responsible for administering justice in the highest sense of which we are capable ... to be fair and impartial; to be free of undue influence; to be accountable to the law and not to the popular will; and to be effective and consistent in the exercise of proper judgment.

We pray that we are up to the challenge of providing a forum where the people peaceably can resolve their disputes and their legitimate constitutional grievances against their government. It is a challenge that we approach humbly and in full recognition of the limitations of the judicial role.

I offer you our cooperation, and I ask for your support as we continue our ongoing, mutual pursuit of a Judiciary that lives up to

the ideals expressed in our state's motto. Thank you very much.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Koster.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 954—By Griesheimer.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to personal property tax, with an effective date.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 1854, regarding Linda Johnson, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1855, regarding Winona Burgess, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1856, regarding Brad Burditt, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1857, regarding the Reverend Charles Edward Bell, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1858, regarding Billie Kay Basinger, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1859, regarding Lesli Ambrose, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No.

1860, regarding Mary Gabriel, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1861, regarding Allen L. Lefko, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1862, regarding Jim Meyer, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1863, regarding Robert Morse, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1864, regarding Marcus Nicholson, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1865, regarding Kim Roam, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1866, regarding Jack L. Smith, Grain Valley, which was adopted.

Senator Green offered Senate Resolution No. 1867, regarding the Fiftieth Anniversary of Boy Scout Troop 374, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Andrea Bright, Blue Springs; and Andrea was made an honorary page.

Senator Stouffer introduced to the Senate, the Brunswick FFA Agronomy Team and the Brunswick Cheerleaders.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY—THURSDAY, JANUARY 26, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 901-Shields	SB 928-Green
SB 902-Callahan	SB 929-Green
SB 903-Griesheimer	SB 930-Green
SB 904-Griesheimer	SB 931-Scott
SB 905-Engler	SB 932-Scott
SB 906-Engler	SB 933-Scott
SB 907-Engler	SB 934-Engler
SB 908-Stouffer	SB 935-Engler
SB 909-Stouffer	SB 936-Vogel
SB 910-Stouffer	SB 937-Nodler
SB 911-Goodman	SB 938-Stouffer
SB 912-Goodman, et al	SB 939-Stouffer
SB 913-Vogel	SB 940-Clemens
SB 914-Koster	SB 941-Clemens
SB 915-Koster, et al	SB 942-Ridgeway and Cauthorn
SB 916-Koster, et al	SB 943-Bray, et al
SB 917-Gross and Gibbons	SB 944-Bray, et al
SB 918-Scott	SB 945-Bray
SB 919-Scott	SB 946-Shields
SB 920-Coleman and Bray	SB 947-Shields
SB 921-Coleman	SB 948-Shields
SB 922-Wilson and Wheeler	SB 949-Shields
SB 923-Barnitz	SB 950-Kennedy
SB 924-Klindt	SB 951-Cauthorn
SB 925-Cauthorn	SB 952-Goodman, et al
SB 926-Cauthorn	SB 953-Engler, et al
SB 927-Gross	SB 954-Griesheimer

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Journal of the Senate

SECOND REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 26, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“Show me Lord, your way, so that I may walk in your truth.
Guide my heart to fear your name.” (Psalm 86:6)

Absent with leave—Senators—None

Almighty God, as we finish up this week and head for home we ask for the gift to be able to walk in Your pathways. Help us to make our time with loved ones and friends special and our worship remind us of our traditions and priorities of what is truly important. Bless this time together that our ways follow Your ways and our love may be like Yours. In Your Holy Name we pray. Amen.

Vacancies—1

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

RESOLUTIONS

Senator Graham offered Senate Resolution No. 1868, regarding the One Hundredth Birthday of Mary C. Hahn, Columbia, which was adopted.

Senator Barnitz offered Senate Resolution No. 1869, regarding Vic Lynch, Waynesville, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1870

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on September 30, 2006, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1870** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1870** was adopted.

Senator Shields offered Senate Resolution No. 1871, regarding Mobile Media, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 1872, regarding Automation Service Company, Inc., Cape Girardeau, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 955—By Coleman.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to hot weather maintenance of utility service.

SB 956—By Purgason.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

SB 957—By Engler and Crowell.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to the establishment and authorization of the positions of drug court commissioner and drug court administrator in the twenty-fourth judicial circuit, with an emergency clause.

SB 958—By Kennedy.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to

privatization contracts.

SB 959—By Alter.

An Act to repeal sections 523.040 and 523.205, RSMo, and to enact in lieu thereof nine new sections relating to eminent domain, with a contingent effective date.

SB 960—By Alter.

An Act to repeal sections 43.650, 589.402, and 589.414, RSMo, and to enact in lieu thereof three new sections relating to sexual offenders.

SB 961—By Ridgeway.

An Act to amend chapter 390, RSMo, by adding thereto one new section relating to indemnity agreements in motor carrier transportation contracts.

SB 962—By Ridgeway.

An Act to amend chapter 135, RSMo, by adding thereto seven new sections relating to the Missouri student success scholarship tax credit program, with a sunset provision.

SB 963—By Scott and Loudon.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to limitations on revenues derived from traffic violations occurring on certain highways within the state.

SB 964—By Crowell.

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to the appointment and duties of assistant adjutants general.

SB 965—By Bartle.

An Act to repeal sections 190.350, 190.353, and 190.355, RSMo, and to enact in lieu thereof two new sections relating to poison control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter W. Lobdell, 8405 Northwest 62nd Street, Parkville, Platte County, Missouri 64152, as State Supervisor of the Division of Alcohol and Tobacco Control, for a term ending at the pleasure of the Governor and until his successor is duly appointed and qualified; vice, Dale H. Roberts, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Harold C. Callaway, III, 14471 State Highway 371, Post Office Box 341, Faucett, Buchanan County, Missouri 64448, as a member of the Missouri Western State University Board of Governors, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Robert Hughs, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jason R. Hackler, 4140 Shenandoah, Saint Louis City, Missouri 63110, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2008, and until his successor is duly appointed and qualified; vice, Frances Afua Bromley, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ryan A. Sivill, 9893 Highway 190, Chillicothe, Livingston County, Missouri 64601, as student representative of Missouri State University Board of Governors, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anthony P. Arton, 206 Unit E Fraternity Complex, Warrensburg, Johnson County, Missouri 64093, as student representative of Central Missouri State University Board of Governors, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Matthew Landstra, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard D. James, 10 Stone Meadow Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 24, 2010, and until his successor is duly appointed and qualified; vice, Mary Holyoke, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John R. Teale, 937 South Dunn, Maryville, Nodaway County, Missouri 64468, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, Kevin DeSain, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathie A. Miller, 1011 Specialty Drive, Dexter, Stoddard County, Missouri 63841, as a member of the State Committee for Social Workers, for a term ending October 23, 2008, and until her successor is duly appointed and qualified; vice, Alyssa Person, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Nichols, 3910 Foxcreek Way, Columbia, Boone County, Missouri 65203, as a member of the State Board of Optometry, for a term ending June 30, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Bracht, 454 South Yellowwood, Springfield, Greene County, Missouri 65809, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Byron McCallum, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donald D. Hester, Herbert J. Schmidt and Katharine H. Barondeau, as members of the Missouri Training and Employment Council;

Also,

Jerrell L. Driver, as a member of the State Committee of Psychologists;

Also,

Verl T. Pope, as a member of the State Committee for Professional Counselors;

Also,

Thomas J. Carlson, Democrat, as a member of the Health and Educational Facilities Authority of

the State of Missouri;

Also,

Rick J. Muenks, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Wayne Val Jean, as a member of the Missouri State Board of Accountancy;

Also,

Baughn T. Merideth, Democrat, as a member of the State Soil and Water District Commission;

Also,

Michael K. Whitehead, Republican, as a member of the Jackson County Board of Election Commissioners;

Also,

Daniel J. Abbott and Jonathan D. "David" Rogers, as members of the Seismic Safety Commission;

Also,

Peggy E. Adams, as a member of the Child Abuse and Neglect Review Board B;

Also,

Vincent D. Hillyer, as a member of the Child Abuse and Neglect Review Board;

Also,

John L. Winston, Republican, as a member of the Missouri State University Board of Governors;

Also,

Randall L. Moore and Elizabeth K. Grove, as members of the Safe Drinking Water Commission;

Also,

Rachelle R. Brown, as a member of the Northwest Missouri State University Board of Regents;

Also,

Steven D. Millikan, Republican, as a member of the Workers' Compensation Determination Review Board;

Also,

Deborah Kay Polc, as a member of the Advisory Commission for Dental Hygienists;

Also,

Gary F. Toelke, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Joanne M. Collins, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Gurnie C. Gunter, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Jovita M. Foster, Democrat, as a member of the Credit Union Commission;

Also,

Ronnie D. Fox, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Terri R. Marty, as a member of the State Committee for Social Workers;

Also,

William B. Siebenborn, Democrat, as a member of the State Milk Board;

Also,

Ben W. Kessler, Republican, as a member of the Hazardous Waste Management Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 901—Pensions, Veterans' Affairs and General Laws.

SB 902—Economic Development, Tourism and Local Government.

SB 903—Judiciary and Civil and Criminal Jurisprudence.

SB 904—Financial and Governmental Organizations and Elections.

SB 905—Small Business, Insurance and Industrial Relations.

SB 906—Financial and Governmental Organizations and Elections.

SB 907—Financial and Governmental Organizations and Elections.

SB 908—Transportation.

SB 909—Transportation.

SB 910—Small Business, Insurance and Industrial Relations.

SB 911—Ways and Means.

SB 912—Education.

SB 913—Ways and Means.

SB 914—Small Business, Insurance and Industrial Relations.

SB 915—Commerce, Energy and the Environment.

SB 916—Transportation.

SB 917—Governmental Accountability and Fiscal Oversight.

SB 918—Ways and Means.

SB 919—Economic Development, Tourism and Local Government.

SB 920—Education.

SB 921—Education.

SB 922—Judiciary and Civil and Criminal Jurisprudence.

SB 923—Financial and Governmental Organizations and Elections.

SB 924—Economic Development, Tourism and Local Government.

SB 925—Agriculture, Conservation, Parks and Natural Resources.

SB 926—Economic Development, Tourism and Local Government.

SB 927—Ways and Means.

SB 928—Small Business, Insurance and Industrial Relations.

SB 929—Small Business, Insurance and Industrial Relations.

SB 930—Economic Development, Tourism and Local Government.

SB 931—Financial and Governmental Organizations and Elections.

SB 932—Financial and Governmental Organizations and Elections.

SB 933—Financial and Governmental Organizations and Elections.

SB 934—Financial and Governmental Organizations and Elections.

SB 935—Financial and Governmental Organizations and Elections.

SB 936—Ways and Means.

SB 937—Education.

SB 938—Transportation.

SB 939—Aging, Families, Mental and Public Health.

SB 940—Aging, Families, Mental and Public Health.

SB 941—Transportation.

SB 942—Transportation.

SB 943—Judiciary and Civil and Criminal Jurisprudence.

SB 944—Small Business, Insurance and Industrial Relations.

SB 945—Financial and Governmental Organizations and Elections.

SB 946—Judiciary and Civil and Criminal Jurisprudence.

SB 947—Education.

SB 948—Pensions, Veterans' Affairs and General Laws.

SB 949—Aging, Families, Mental and Public Health.

INTRODUCTIONS OF GUESTS

On behalf of Senator Griesheimer, the President introduced to the Senate, Senator Griesheimer's son, Aaron, Washington.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Charles Rehm, M.D., Town and Country.

Senator Koster introduced to the Senate, coaches, parents and members of the Class 5 State Championship, Ray-Pec Panthers High School football team.

Senator Purgason introduced to the Senate, Superintendent Ron Hendricks, Principal Dr. Brian Henry, Athletic Director Jeff Whitney, coaches Bob Shore, Jim Pirsch, Mike Silverwood, Ryan Neal, Joe Burghardt, Jeff Shore, Lance Foulk and Steve Bayless and members of the Class 4 State Championship, Camdenton Lakers High School football team.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 30, 2006.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, JANUARY 30, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 950-Kennedy
SB 951-Cauthorn
SB 952-Goodman, et al
SB 953-Engler, et al
SB 954-Griesheimer
SB 955-Coleman
SB 956-Purgason
SB 957-Engler and Crowell

SB 958-Kennedy
SB 959-Alter
SB 960-Alter
SB 961-Ridgeway
SB 962-Ridgeway
SB 963-Scott and Loudon
SB 964-Crowell
SB 965-Bartle

Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY—MONDAY, JANUARY 30, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The fear of the Lord is the beginning of wisdom; those who act accordingly have a good understanding.” (Psalm 111:10a)

Lord God, we stand in awe of Your splendor and the marvelous works displayed in the beauty of this day. As we drove here in the warmth of the sunlight that came through our windshields, You showed forth Your power. In Your works, You teach us that our power comes from faithfulness and justice in our acts of compassion and fairness for the people we serve. Guide us this day so we may walk Your correct pathways and be Your servants in all our doings. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 26, 2006 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1873, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Lloyd, Jr., Pontiac, which was adopted.

Senator Stouffer offered Senate Resolution No. 1874, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Joseph Wilson, Macon, which was adopted.

Senator Koster offered Senate Resolution No. 1875, regarding Zachary William Smith, Belton, which was adopted.

Senator Koster offered Senate Resolution No. 1876, regarding Ryan James Hayward, Belton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1877, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dan Rowland, Bevier, which was adopted.

Senator Vogel offered Senate Resolution No. 1878, regarding Markus Corley, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1879, regarding Ryan Anthony Hall, Jefferson City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1880, regarding Steven P. Kroeck, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1881, regarding Marie E. Smith, Lewistown, which was adopted.

Senator Loudon offered Senate Resolution No. 1882, regarding VirRx, Chesterfield, which was adopted.

Senator Gibbons offered Senate Resolution No. 1883, regarding the Friends of the Kirkwood Public Library, which was adopted.

Senator Koster offered Senate Resolution No. 1884, regarding the Raymore-Peculiar High School Class 5 State Football Champions, which was adopted.

Senator Stouffer offered Senate Resolution No. 1885, regarding the birth of Colton Joseph Sellmeyer, which was adopted.

Senator Stouffer offered Senate Resolution No. 1886, regarding the birth of Olivia Katherine Martin, Shawnee, which was adopted.

Senator Stouffer offered Senate Resolution No. 1887, regarding the birth of Jaelynn Renae Fayth Hendricks, Clarence, which was adopted.

Senator Stouffer offered Senate Resolution No. 1888, regarding the birth of Megan Danielle Heimsoth, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1889, regarding the death of Billie Joe Lucas,

which was adopted.

Senator Stouffer offered Senate Resolution No. 1890, regarding the death of Earl Edward Norris, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1891, regarding the birth of Markie Ann Martin, Excello, which was adopted.

Senator Stouffer offered Senate Resolution No. 1892, regarding the birth of Candice Marie Smith, Marshall, which was adopted.

Senator Scott offered Senate Resolution No. 1893, regarding Antonio Harris, Warsaw, which was adopted.

Senator Stouffer offered Senate Resolution No. 1894, regarding the birth of Kopeland Clein Walden, Carrollton, which was adopted.

Senator Goodman offered Senate Resolution No. 1895, regarding Terry Collings, Anderson, which was adopted.

Senator Goodman offered Senate Resolution No. 1896, regarding Terry Lett, Noel, which was adopted.

Senator Goodman offered Senate Resolution No. 1897, regarding the Aurora R-VIII School District, which was adopted.

Senator Bray offered Senate Resolution No. 1898, regarding Akermin, Incorporated, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 1899, regarding Joey's Seafood and Grill, Cape Girardeau, which was adopted.

Senator Champion offered Senate Resolution No. 1900, regarding the Springfield Little Theatre, which was adopted.

Senator Champion offered Senate Resolution No. 1901, regarding Digital Transcription Services, Springfield, which was adopted.

Senators Shields and Coleman offered Senate Resolution No. 1902, regarding the Sixtieth

Anniversary of the National Multiple Sclerosis Society, which was adopted.

Senator Clemens offered Senate Resolution No. 1903, regarding the Spokane R-II School District, which was adopted.

Senator Clemens offered Senate Resolution No. 1904, regarding the Sparta R-III School District, which was adopted.

Senator Engler offered Senate Resolution No. 1905, regarding Waylon Joseph Vines, Bloomsdale, which was adopted.

Senator Bartle offered Senate Resolution No. 1906, regarding Dr. Ted Lewman, which was adopted.

Senator Gross offered Senate Resolution No. 1907, regarding Kevin Corbett Arnold, St. Charles, which was adopted.

Senator Vogel offered Senate Resolution No. 1908, regarding Shirley Patterson, Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 966—By Green.

An Act to amend chapters 64 and 67, RSMo, by adding thereto two new sections relating to sports authority lobbyists.

SB 967—By Green.

An Act to repeal section 290.500, RSMo, and to enact in lieu thereof one new section relating to overtime exemptions.

SB 968—By Green.

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof four new sections relating to fire protection.

SB 969—By Stouffer.

An Act to repeal sections 301.055, 301.057, 301.058, 301.070, 301.130, 301.144, 301.560, 311.326, and 430.082, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of motor vehicles, with an effective date for certain sections.

SB 970—By Gross.

An Act to repeal sections 163.011 and 163.031, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof two new sections relating to fine revenues received by school districts, with an emergency clause.

SB 971—By Nodler and Scott.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to medical assistance.

SB 972—By Kennedy.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of hepatitis awareness day.

SB 973—By Shields.

An Act to repeal section 331.010, RSMo, and to enact in lieu thereof one new section relating to the practice of chiropractic.

SB 974—By Shields.

An Act to repeal section 633.032, RSMo, and to enact in lieu thereof one new section relating to mental health waitlists for services.

SJR 39—By Ridgeway, Crowell, Cauthorn, Mayer, Scott, Alter, Barnitz and Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 of article VII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to impeachment trials.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 30, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 28, 2005 while the Senate was not in session.

Stephen C. Morrow, 2025 East Thornridge Circle, Bolivar, Polk County, Missouri 65613, as Ombudsman Child Advocate of the Children's Protection and Services, for a term that began on December 7, 2004, and was filled by acting Child Advocate Mary McEniry and ends December 7, 2010, and until his successor is duly appointed and qualified; vice, Mary McEniry, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointment to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 950—Pensions, Veterans' Affairs and General Laws.

SB 951—Economic Development, Tourism and Local Government.

SB 952—Transportation.

SB 953—Small Business, Insurance and Industrial Relations.

SB 954—Ways and Means.

SB 955—Commerce, Energy and the Environment.

SB 956—Transportation.

SB 957—Judiciary and Civil and Criminal Jurisprudence.

SB 958—Commerce, Energy and the

Environment.

SB 959—Pensions, Veterans' Affairs and General Laws.

SB 960—Judiciary and Civil and Criminal Jurisprudence.

SB 961—Transportation.

SB 962—Education.

SB 963—Economic Development, Tourism and Local Government.

SB 964—Pensions, Veterans' Affairs and General Laws.

SB 965—Aging, Families, Mental and Public Health.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 587**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 748**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kinder assumed the Chair.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 26, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

**RE: Senate Appointment to the Missouri Health Facilities
Review Board**

Dear Terry:

Pursuant to Section 197.310, RSMo, I am appointing the following
senator to the Missouri Health Facilities Review Board:

Senator Bill Stouffer

If you have any questions, do not hesitate to contact me.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

RESOLUTIONS

Senator Alter offered Senate Resolution No.
1909, regarding Marilyn Pinson, Barnhart, which

was adopted.

Senator Klindt offered Senate Resolution No.
1910, regarding Christopher W. States, King City,
which was adopted.

Senator Klindt offered Senate Resolution No.
1911, regarding Curtis Dyer, Albany, which was
adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate,
Amanda Moore, Hardin, Illinois.

Senator Nodler introduced to the Senate, Will
Keczkemethi and thirteen students from Joplin
High School.

On motion of Senator Shields, the Senate
adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, JANUARY 31, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 966-Green
SB 967-Green
SB 968-Green
SB 969-Stouffer
SB 970-Gross

SB 971-Nodler and Scott
SB 972-Kennedy
SB 973-Shields
SB 974-Shields
SJR 39-Ridgeway, et al

SENATE BILLS FOR PERFECTION

SB 587-Bartle, with SCS

SB 748-Vogel and Engler, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY—TUESDAY, JANUARY 31, 2006

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

"It is God who girds me about with strength and makes my way secure." (Psalm 18:33)

Dear God, today we end a month that has flown by and we know that our work here has just begun and there will be many long days and tiring meetings and lengthy sessions in this chamber, so we need You to strengthen us for the many tasks ahead. We also ask that You will be an ever present help to us that we may keep our hands clean and be rewarded. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 1912, regarding Shaun Matthew Topping, Park Hills, which was adopted.

Senator Stouffer offered Senate Resolution No. 1913, regarding Megan Germann, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1914, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert Eugene Edwards, Carrollton, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1915, regarding Byron L. Jahn, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1916, regarding Cason Music, Kirksville, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 975—By Days.

An Act to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

SB 976—By Gibbons.

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste, with an emergency clause.

SB 977—By Bartle.

An Act to repeal section 590.190, RSMo, and to enact in lieu thereof one new section relating to the POST commission.

SB 978—By Kennedy, Bray, Green and Graham.

An Act to repeal section 163.087, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to the distribution of the school district trust fund, with an emergency clause.

SB 979—By Griesheimer.

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to duties and liabilities of ski area operators and skiers.

SB 980—By Clemens.

An Act to repeal sections 335.212 and 335.233, RSMo, and to enact in lieu thereof two

new sections relating to the nursing student loan program.

SB 981—By Goodman, Days, Engler, Nodler and Alter.

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the highway patrol.

SB 982—By Koster.

An Act to repeal sections 43.650, 589.402, and 589.414, RSMo, and to enact in lieu thereof three new sections relating to sexual offenders.

SB 983—By Mayer, Koster and Griesheimer.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district operational expenditures, with a referendum clause.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 587**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SB 587**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 587

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the DNA profiling analysis fund, with an expiration date.

Was taken up.

Senator Scott assumed the Chair.

Senator Bartle moved that **SCS** for **SB 587** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 587, Page 1, Section 488.5050, Line 6, by inserting after the word “felony” the following: “, **except when the defendant pleads**

guilty or is found guilty of a class B felony, class A felony, or an unclassified felony under chapter 195, RSMo, in which case, the surcharge shall be sixty dollars”.

Senator Callahan moved that the above amendment be adopted.

Senator Crowell offered SSA 1 for SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 587, Page 1, Section 488.5050, Line 6, by inserting after the word “felony” the following: **“, except when the defendant pleads guilty or is found guilty of a class B felony, class A felony, or an unclassified felony under chapter 195, RSMo, in which case, the surcharge shall be \$6,000.00 dollars”.**

Senator Crowell moved that the above substitute amendment be adopted.

At the request of Senator Crowell, SSA 1 for SA 1 was withdrawn.

SA 1 was again taken up.

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Callahan offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 587, Page 1, Section 488.5050, Line 6, by inserting after the word “felony” the following: **“, except when the defendant pleads guilty or is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter 195, RSMo, in which case, the surcharge shall be sixty dollars”.**

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 587, Page 1, Section 488.5050, Line 14, by inserting immediately after all of said line, the following:

“4. If in the immediate previous fiscal year, the state’s general revenue did not increase by two percent or more, the state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the state general revenue fund. Otherwise the state treasurer shall deposit such moneys in accordance with the provisions of subsection 5 of this section.”; and further renumber the remaining subsections accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that SCS for SB 587, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, SCS for SB 587, as amended, was declared perfected and ordered printed.

Senator Vogel moved that SB 748, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 748, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 748

An Act to repeal sections 104.403 and 104.404, RSMo, and to enact in lieu thereof two new sections relating to state employee retirement incentive, with an emergency clause.

Was taken up.

Senator Vogel moved that SCS for SB 748 be adopted, which motion prevailed.

On motion of Senator Vogel, SCS for SB 748 was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from

the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Chester L. White to the Personal Advisory Board, submitted on January 4, 2006. Line 2 should be amended as follows:

“Missouri 65109, as Executive Director of the Personnel Advisory Board”

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Stephen C. Morrow to the Ombudsman Child Advocate of the Children’s Protection and Service, submitted on January 30, 2006.

Line 2 and 3 should be amended as follows:

“Missouri 65613, as Office of Child Advocate for Children’s Protection and Services, for a term that began on December 7, 2004, and was filled by”

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above addendums to the Committee on Gubernatorial Appointments.

The Senate observed a moment of silence in memory of Coretta Scott King.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, teachers, parents and students from Jefferson School District R-7, Jefferson County.

Senator Nodler introduced to the Senate, Pat

Bartlett, Jenae Shoemaker and Paula Goade, members of Success by 6.

Senator Goodman introduced to the Senate, his wife, Laura and their son, Jack Elliott, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Coleman introduced to the Senate, Jim and Molly Kottmeyer and their daughter, Grace, Chesterfield; and Grace was made an honorary page.

Senator Dougherty introduced to the Senate, Amanda Elliott, Crystal Brown, Danielle Currie and Kristi Sobbe, St. Louis.

Senator Graham introduced to the Senate, fifth grade students from Ulysses S. Grant Elementary School, Columbia; and Mary Catherine Burns, Tanner Cooper, Teodora Siman and Anka Siraji were made honorary pages.

Senator Days introduced to the Senate, Christopher Blake, former State Representative Rich Chrismer and Jo Curran, St. Louis.

Senator Shields introduced to the Senate, former State Representatives Dan Hegeman, Cosby; and Dale Whiteside, Chillicothe.

Senator Klindt introduced to the Senate, constituents from Albany, Andrew County, Atchison County, Bethany, Brookfield, Buchanan County, Caldwell County, Cameron, Carroll County, Chillicothe, Livingston County, DeKalb County, Maysville, Grant City, Worth County, Holt County, Marceline, Maryville, Nodaway County, St. Joseph, Savannah, Sullivan County and Trenton attending the Great Northwest Day.

Senator Clemens introduced to the Senate, Jennifer Sampietro and Beverly Hall, Marshfield.

Senator Purgason introduced to the Senate, Cheryl Floyd, Licking.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 1, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 966-Green

SB 967-Green

SB 968-Green

SB 969-Stouffer

SB 970-Gross

SB 971-Nodler and Scott

SB 972-Kennedy

SB 973-Shields

SB 974-Shields

SB 975-Days

SB 976-Gibbons

SB 977-Bartle

SB 978-Kennedy, et al

SB 979-Griesheimer

SB 980-Clemens

SB 981-Goodman, et al

SB 982-Koster

SB 983-Mayer, et al

SJR 39-Ridgeway, et al

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Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 1, 2006

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am not worthy of the least of all the steadfast love and all the faithfulness which You have shown to Your servant.” (Genesis 32:10)

Gracious God, so many days we awaken and realize just how fortunate we are to be doing what we have so desired to do; and in that we become aware it all has come by Your gracious love for us. And in those moments of disappointment and when our pain is real, let us remember these moments and Your sustaining mercy that is undeserved. Let us remember and give You praise and thanks. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1917, regarding the Eightieth Birthday of Wilbert Godfrey Schuchardt, Affton, which was adopted.

Senator Kennedy offered Senate Resolution No. 1918, regarding the 2005 Affton High School Cougars Football Team, which was adopted.

Senator Kennedy offered Senate Resolution No. 1919, regarding Dan Oliver, which was adopted.

Senator Kennedy offered Senate Resolution No. 1920, regarding Christopher A. “Chris” Schweer, St. Louis, which was adopted.

Senator Purgason offered Senate Resolution No. 1921, regarding the Ninetieth Birthday of Lissie Bledsoe, Conway, which was adopted.

Senator Purgason offered Senate Resolution No. 1922, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Raymond Looney, Strafford, which was adopted.

Senator Purgason offered Senate Resolution No. 1923, regarding the Ninetieth Birthday of Wilma Atkins, Ozark, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 984—By Purgason.

An Act to repeal section 478.705, RSMo, and to enact in lieu thereof one new section relating to the twenty-sixth judicial circuit.

SB 985—By Cauthorn and Mayer.

An Act to repeal section 644.016, RSMo, and to enact in lieu thereof one new section relating to agricultural storm water discharges.

SB 986—By Green.

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 610.010, 630.005, 630.165, 630.167, 630.410, 630.705, 630.715, 630.755, and 633.005, RSMo, and to enact in lieu thereof twenty new sections relating to private mental health facilities and group homes, with penalty provisions.

SB 987—By Green.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Ralph Tatoian memorial highway.

SB 988—By Green.

An Act to repeal sections 285.025 and

290.560, RSMo, and to enact in lieu thereof two new sections relating to employment of unqualified labor on public projects, with penalty provisions.

SB 989—By Bray.

An Act to repeal section 130.032, RSMo, and to enact in lieu thereof one new section relating to campaign contributions.

SB 990—By Vogel.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Wyman S. Basinger Memorial Highway.

SB 991—By Mayer, Graham and Loudon.

An Act to repeal sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof twenty-two new sections relating to service contracts, with penalty provisions and an effective date.

SB 992—By Scott.

An Act to repeal sections 188.015 and 188.075, RSMo, and to enact in lieu thereof two new sections relating to medical emergencies, with penalty provisions and an emergency clause.

SB 993—By Scott.

An Act to repeal sections 361.711, 361.715, 362.275, and 362.445, RSMo, and to enact in lieu thereof four new sections relating to financial institution procedures.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 587** and **SCS** for **SB 748**, begs leave to report that it has examined the same and

finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 587** and **SCS** for **SB 748** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Nodler assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 966—Financial and Governmental Organizations and Elections.

SB 967—Small Business, Insurance and Industrial Relations.

SB 968—Economic Development, Tourism and Local Government.

SB 969—Transportation.

SB 970—Education.

SB 971—Pensions, Veterans' Affairs and General Laws.

SB 972—Aging, Families, Mental and Public Health.

SB 973—Aging, Families, Mental and Public Health.

SB 974—Aging, Families, Mental and Public Health.

SJR 39—Judiciary and Civil and Criminal Jurisprudence.

COMMUNICATIONS

Senator Shields submitted the following:

February 1, 2006

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 93rd General Assembly's Senate Republican Caucus at the January 6th, 2005 meeting.

Please add the following member to the caucus:

- Senator Jack Goodman

Sincerely,

/s/ Charlie

Charlie Shields

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Gene Hites, Bonne Terre.

Senator Alter introduced to the Senate, members of the Mount Hope Show Me Jumpers from Fort Zumwalt School, O'Fallon; and members of Hip Hop Your Heart with Positive Nature, St. Louis.

Senator Koster introduced to the Senate, Frank Washburn, Barry County.

Senator Clemens introduced to the Senate, Stan Whitehurst and Tyler Kjorvestad, Marshfield; and Tyler was made an honorary page.

On behalf of Senator Nodler, the President introduced to the Senate, Dr. Jim Pyron, Diamond.

Senator Dougherty introduced to the Senate, Ed Martin, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 2, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 975-Days	SB 985-Cauthorn and Mayer
SB 976-Gibbons	SB 986-Green
SB 977-Bartle	SB 987-Green
SB 978-Kennedy, et al	SB 988-Green
SB 979-Griesheimer	SB 989-Bray
SB 980-Clemens	SB 990-Vogel
SB 981-Goodman, et al	SB 991-Mayer, et al
SB 982-Koster	SB 992-Scott
SB 983-Mayer, et al	SB 993-Scott
SB 984-Purgason	

THIRD READING OF SENATE BILLS

SCS for SB 587-Bartle (In Fiscal Oversight)	SCS for SB 748-Vogel and Engler (In Fiscal Oversight)
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Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY—THURSDAY, FEBRUARY 2, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"You have put gladness in my heart, more than when grain and wine and oil increase." (Psalm 4:7)

O God, as we complete this week and head back to those You have given us to love and who love us, make us mindful of the joy and warmth we carry in our hearts, aware that they have sacrificed for us and missed us and carried on the responsibilities we have left by our absence. And, let us find ways to honor their faithfulness and show appreciation for work they have done and help us show how much they mean to us and how much we do love them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter

Barnitz

Bartle

Bray

Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 1924, regarding Hensley Technologies, Inc., Kansas City, which was adopted.

Senator Wheeler offered Senate Resolution No. 1925, regarding Velvet Bridge, LLC, Kansas City, which was adopted.

Senator Klindt offered Senate Resolution No. 1926, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Kenneth Nelson, which was adopted.

Senator Kennedy offered Senate Resolution

No. 1927, regarding Matthew Stuart Barnes, St. Louis County, which was adopted.

Senator Coleman offered Senate Resolution No. 1928, regarding H2O Technical Services, Incorporated, Springfield, which was adopted.

Senator Clemens offered Senate Resolution No. 1929, regarding Dristech, LLC, Nixa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1930, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Vandiver, Camden, which was adopted.

Senator Loudon offered Senate Resolution No. 1931, regarding Matthew Taylor Ludwig, Hazelwood, which was adopted.

Senators Days and Scott, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1932

WHEREAS, the members of the Missouri Senate were truly saddened by the death of social activist Coretta Scott King on Tuesday, January 31, 2006, at the age of seventy-eight; and

WHEREAS, the former Coretta Scott was born on April 27, 1927, near Marion, Alabama, into a southern culture that was steeped in racial division and inequality based upon the color of one's skin; and

WHEREAS, a classically trained opera singer, Coretta Scott was studying voice at the New England Conservatory of Music in Boston, Massachusetts, when she met Martin Luther King, Jr., who was completing a Doctor of Philosophy degree at nearby Boston University; and

WHEREAS, Coretta Scott married her beloved Martin Luther King, Jr., on June 18, 1953, at the Scott family home near Marion to begin a marital union that would be blessed with the love and affection of their four children, Yolanda Denise King, Martin Luther King, III, Dexter Scott King, and the Reverend Bernice Albertine King; and

WHEREAS, after the death of her husband at the hands of an assassin in Memphis, Tennessee, on April 4, 1968, Coretta Scott King proved that she not only married Martin Luther King, Jr., but also his cause of nonviolent protest against racial inequality in America; and

WHEREAS, Coretta Scott King was a fearless, faithful, and elegant leader in the struggle for peace in Vietnam, against apartheid in South Africa, and above all for the civil rights

embodied in the highest principles of constitutional democracy and freedom in her homeland; and

WHEREAS, Coretta Scott King was a dreamer whose strength, loyalty, and determination led to such concrete achievements as the King Center of Atlanta, which is visited by hundreds of thousands of people each year who pay their respects at the crypt of Dr. Martin Luther King, Jr.; conduct research at the library, archives, and museum; or introduce their children to an important aspect of American history:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join to memorialize the life and work of Coretta Scott King and to convey this legislative body's most heartfelt condolences to her family members, friends, neighbors, and colleagues who now miss her considerable warmth, strength, and light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of Coretta Scott King of Atlanta, Georgia.

Senator Klindt offered Senate Resolution No. 1933, regarding the One Hundredth Anniversary of Northwest Missouri State University, Maryville, which was adopted.

Senator Griesheimer assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 994—By Dougherty, Coleman, Wilson, Bray and Callahan.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state aid calculations for school districts with a higher-than-average student population with elevated blood lead levels.

SB 995—By Dougherty, Coleman, Wilson, Bray and Callahan.

An Act to amend chapters 135 and 162, RSMo, by adding thereto two new sections relating to the business and after-school partnership program.

SB 996—By Dougherty.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof two new sections relating to the St. Louis City school lead abatement and

removal fund.

SB 997—By Kennedy and Coleman.

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to police officer compensation.

SB 998—By Champion.

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof two new sections relating to collaborative arrangements with physicians.

SB 999—By Alter.

An Act to amend chapter 49, RSMo, by adding thereto one new section relating to noise ordinances.

SB 1000—By Loudon.

An Act to amend chapter 621, RSMo, by adding thereto fifteen new sections relating to a state central hearing agency, with an effective date.

SB 1001—By Griesheimer.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to proving lawful presence for purposes of obtaining a driver's license, with an emergency clause.

SB 1002—By Mayer.

An Act to amend chapter 242, RSMo, by adding thereto one new section relating to drainage districts.

SB 1003—By Mayer.

An Act to authorize the conveyance of certain state properties, with an emergency clause.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee

on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 587** and **SCS** for **SB 748**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Griesheimer assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 587**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 587

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the DNA profiling analysis fund, with an expiration date.

Was taken up by Senator Bartle.

On motion of Senator Bartle, **SCS** for **SB 587** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill

was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 748, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 748**

An Act to repeal sections 104.403 and 104.404, RSMo, and to enact in lieu thereof two new sections relating to state employee retirement incentive, with an emergency clause.

Was taken up by Senator Vogel.

On motion of Senator Vogel, **SCS for SB 748** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1004—By Days.

An Act to repeal section 160.930, RSMo, and to enact in lieu thereof one new section relating to the sunset provision of the first steps program.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 849**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and

Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 773**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 689**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 749**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 747**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 641**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 808**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 818**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 819**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 828**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 691**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 678**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 630**, begs leave

to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 805**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 25**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, faith-based and community organizations are currently providing quality social services and making a positive difference in the communities they serve; and

WHEREAS, faith-based and community organizations are serving their communities in areas such as the prevention and treatment of juvenile delinquency, child care services, support services for the elderly, the prevention of crime, the intervention in and prevention of domestic violence, and a number of other social service areas; and

WHEREAS, some of these faith-based and community organizations are currently receiving funds from the federal government, or through the state, or a city, or local government that itself receives federal funds, to carry out their missions; and

WHEREAS, because of the quality services provided by these organizations, it is important for the state and local governments to utilize their services by working in partnership with faith-based and community organizations; and

WHEREAS, faith-based and community organizations that currently work in partnership with local governments or judicial circuits are doing so within the framework of the Constitutional church-state guidelines:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein,

hereby express their gratitude to faith-based and community organizations working in their communities to improve the lives of the citizens of this state; and

BE IT FURTHER RESOLVED that we support the mission of faith-based and community organizations to provide social services to improve the lives of our citizens; and

BE IT FURTHER RESOLVED that we support and encourage the state and all local governments to work in partnership with faith-based and community organizations to provide quality social services that improve the lives of so many of our citizens in particular and better our society in general; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, for the director of each state department, and for the state courts administrator, who shall send a copy to the presiding judge of each judicial circuit in this state.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 24

Relating to the Poultry Industry Committee.

WHEREAS, the poultry industry is a vital, profitable, and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, the Poultry Industry Committee was created in 2002 to study the economic and environmental impact of the poultry industry in this state, especially the impacts this industry has on sensitive environmental areas; and

WHEREAS, while the Poultry Industry Committee has officially completed its duties, there is still work to be accomplished:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby reauthorize the "Poultry Industry Committee" to continue its review and evaluation of both the economic impact of the poultry industry, waste disposal issues, and environmental impacts of this industry, and as well as making recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Committee shall be composed of twenty-nine members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the Senate to be appointed by the Senate Minority Leader, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, one member to be a member of the House of Representatives to be appointed by the House Minority Leader, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, and one person from Missouri Farm Credit Services. Each member of the Committee shall serve until December 31, 2007; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation and the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall continue to study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2007; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2007; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 645**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 612**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 646**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economical Development, Tourism and Local Government, to which was referred **SB 712**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 690**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 648**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 677**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 590**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was

referred **SJR 26**, begs leave to report that it has considered the same and recommends that the Joint Resolution do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 858** and **SB 868**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 791**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 871**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 583**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle assumed the Chair.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Christopher C. Dalton, Republican, as a member of the Platte County Board of Election Commissioners;

Also,

Peggy R. Gettemeier, as a member of the Missouri Board of Occupational Therapy;

Also,

Jimmy W. Pyron, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Katherine D. Hilton, as a member of the Child Abuse and Neglect Review Board A;

Also,

Dawn Standley, as a member of the Board of Therapeutic Massage;

Also,

Lewis L. McKinney, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

Maria G. Taxman and Merrill D. Wade, as members of the Small Business Regulatory Fairness Board;

Also,

Angela N. Stiffler, Republican, Stanley D. Whitehurst, Republican, and Judith Anne Moskoff, Republican, as members of the Missouri Community Service Commission;

Also,

Jaye A. Jackson, Democrat, as a member of the Missouri Commission on Human Rights;

Also,

Chester L. White, as Executive Director of the Personnel Advisory Board;

Also,

Eugene J. Hites, Democrat, as a member of the Dam and Reservoir Safety Council;

Also,

Samuel M. “Sam” Coryell, as a member of the Advisory Committee for 911 Service Oversight;

Also,

James V. “Jim” O’Donnell, as a member of the Public School Retirement System of Missouri;

Also,

Stephen C. Morrow, as Office of Child Advocate for Children’s Protection and Services;

Also,

Cathy L. Frier, O.D., as a member of the State Board of Optometry;

Also,

Gale Hackman, Democrat, as a member of the State Milk Board;

Also,

Jeffrey N. Garnatz and Robert B. Herrmann, as members of the Seismic Safety Commission;

Also,

Leon Kreisler, Republican, as a member of the State Soil and Water District Commission;

Also,

Gloria J. Carter-Hicks, as a member of the Missouri Training and Employment Council;

Also,

Sheryl L. Maxwell, as a member of the Children’s Trust Fund Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports with the exception of the appointment of Stephen C. Morrow, as Office of Child Advocate for

Children's Protection and Services, in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports, with the exception of the appointment of Stephen C. Morrow, as Office of Child Advocate for Children's Protection and Services, be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Scott moved that the committee report on the appointment of Stephen C. Morrow, as Office of Child Advocate for Children's Protection and Services, be adopted, and the Senate do give its advice and consent to said appointment, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

February 1, 2006

REORGANIZATION PLAN NO. 1

2006

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY THE STATE OF MISSOURI:

The elimination of legislatively created barriers to consolidation in the financial industry has allowed financial services companies to embark upon an unprecedented period of mergers and acquisitions resulting in companies now offering "one stop shopping" for financial products previously sold by entities strictly separated by law. Proper regulation of this changing field requires the similar consolidation of insurance and financial regulation within the state. Consolidating these responsibilities into one department makes sense administratively and as a matter of public policy because it will allow for a more coherent and comprehensive approach to regulating professionals, financial services, financial products and transactions.

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan #1 of 2006, by Executive Order 06-04, to remove the Division of Finance, State Banking Board, Division of Credit Unions, and the Division of Professional Registration from the Department of Economic Development and assign their responsibilities and functions to the Department of Insurance. The Department of Insurance will be

renamed the Department of Insurance, Financial Institutions and Professional Registration.

The Division of Professional Registration will be included in this consolidation because the new department's primary function will be the regulation of industries and individuals, which compliments the division's primary function of regulating various professions.

SPECIFIC DEPARTMENT STRUCTURE

The new department will be under the administrative authority of the Director of the Department of Insurance, Financial Institutions and Professional Registration who shall appoint a Deputy Director. The Director will be responsible for the management of the department and administration of its programs and services.

The Deputy Director's primary responsibility shall be assisting the Director with the regulation of the insurance industry. The Deputy Director shall report directly to the Director. There shall be a Division of Consumer Affairs and as many other divisions of insurance as the Director deems necessary for the efficient regulation of the insurance industry. Division directors shall report directly to the Deputy Director.

The Division of Professional Registration, Division of Finance, State Banking Board, and Division of Credit Unions shall be transferred, by Type III transfer, to the Department of Insurance, Financial and Professional Registration. The State Banking Board and the Directors of the Division of Professional Registration, Division of Credit Unions and the Division of Finance shall continue to be appointed and shall retain all authority as currently provided by law.

The department shall be structured in a manner consistent with the following organizational framework:

1. Insurance

- a. **Office of Director** – Responsible for policy decisions, legislation, communications and regulations. Shall consist of the department director, deputy director, legal staff, public information staff, legislative coordinator and support staff.
- b. **Division of Financial Regulation** – Responsible for conducting financial analysis and examinations of insurers domiciled in Missouri to verify their financial condition, compliance with Missouri laws, and accepted accounting practices.
- c. **Division of Market Regulation** - Responsible for regulating the performance of insurers in the marketplace.
- d. **Division of Consumer Affairs** - Assists the public in resolving complaints, providing information on insurance policies and investigating insurance fraud.
- e. **Division of Resource Administration** - Oversees

licensing, budget, management information systems and support services.

2. **Division of Professional Registration** – Responsible for licensing qualified professionals, appropriately enforcing standards and maintaining an open communication network with the over 400,000 licensees in order to encourage the development of professional services throughout the state. This division shall be under the management and authority of the Director of Professional Registration.
3. **Division of Finance** – Responsible for the execution of the laws relating to banks, trust companies, savings and loans, and the banking business of this state; and of the laws relating to persons, co-partnerships and corporations engaged in the small loan business in this state.
4. **State Banking Board** - Advises the director of finance as to the proper administration of his office and the banking laws of this state and recommends statutory amendments to the general assembly. Also handles appeals from certain decisions and orders of the commissioner of finance; and
5. **Division of Credit Unions** - Responsible for the examination, supervision, chartering, merger and liquidation of all state-chartered credit unions. The division also responds to consumer requests or complaints in regard to credit union services or operations.

Respectfully submitted,
Matt Blunt

EXECUTIVE ORDER

06-04

WHEREAS, the Missouri Department of Insurance was created pursuant to Article IV, Section 36(b) of the Missouri Constitution and Section 374.010, RSMo; and

WHEREAS, the Division of Finance was created pursuant to Section 361.010 RSMo; and

WHEREAS, the State Banking Board was created pursuant to Section 361.092 RSMo; and

WHEREAS, the Division of Credit Unions was created pursuant to Section 620.010 RSMo; and

WHEREAS, the Division of Professional Registration was created pursuant to Section 620.010 RSMo; and

WHEREAS, the Department of Insurance is charged with the execution of all laws now in force, or which may be hereafter enacted, in relation to insurance and insurance companies doing business in this state; and

WHEREAS, the transfer of financial and professional regulation to one state department would better serve Missouri's citizens and is a component of the Governor's Executive Branch Reorganization

Plan of 2006; and

WHEREAS, consolidation of these regulatory functions and programs would increase efficiencies and provide a more cohesive and coordinated approach to the regulation of financial entities and professional licensees; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12 of the Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Insurance and the Missouri Department of Economic Development to cooperate to:

1. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Finance to the Department of Insurance by Type III transfer, as defined under the Reorganization Act of 1974; and
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the State Banking Board to the Department of Insurance by Type III transfer, as defined under the Reorganization Act of 1974; and
3. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Credit Unions to the Department of Insurance by Type III transfer, as defined under the Reorganization Act of 1974; and
4. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Professional Registration to the Department of Insurance by Type III transfer, as defined under the Reorganization Act of 1974; and
5. Develop mechanisms and processes necessary to effectively transfer all duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Finance, State Banking Board, Division of Credit Unions and Division of Professional Registration to the Missouri Department of Insurance; and
6. Ensure that the reconstituted Department of Insurance is organized in a manner consistent with the structure provided in the Governor's Executive Branch

Reorganization Plan of 2006; and

7. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

The Missouri Department of Insurance shall henceforth be known as, the Missouri Department of Insurance, Financial Institutions and Professional Registration.

This Order shall become effective no sooner than August 28, 2006 unless disapproved within sixty days of its submission to the Second Regular Session of the 93rd General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 1st day of February, 2006.

/s/ **Matt Blunt**
Governor

ATTEST:

/s/ **Robin Carnahan**
Secretary of State

Also,

February 1, 2006

REORGANIZATION PLAN NO. 2 2006

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2006, by Executive Order 06-05, to transfer the Missouri Rx Plan Advisory Commission from the Department of Health and Senior Services and assign it, and all of its responsibilities and functions, to the Department of Social Services.

The transfer of the Missouri Rx Plan Advisory Commission from the Department of Health and Senior Services to the Department of Social Services will improve efficiencies within state government, as the Department of Social Services is tasked with administering the state's pharmaceuticals program, popularly known as "The Missouri Rx Plan".

The Missouri Rx Plan Advisory Commission and the Department of Social Services currently have similar and overlapping functions, which results in the duplication of efforts and waste that can be eliminated by this consolidation. Further, combining these responsibilities into one department makes sense administratively and as a matter of public policy because it will allow a more coherent and comprehensive approach to administering and

promoting the Missouri Rx Plan.

SPECIFIC DEPARTMENT STRUCTURE

The Missouri Rx Plan Advisory Commission will retain all functions and authority as provided by law. The Department of Social Services shall furnish administrative support and staff as is necessary for the effective operation of the Missouri Rx Plan Advisory Commission.

Respectfully submitted,
Matt Blunt

EXECUTIVE ORDER 06-05

WHEREAS, the Department of Social Services was established pursuant to Article IV, Section 37 of the Missouri Constitution; and WHEREAS, the Department of Health and Senior Services was established pursuant to Section 192.005, RSMo; and

WHEREAS, the Missouri Rx Plan Advisory Commission ("Commission") was established by Section 208.792. 1, RSMo, and is currently assigned to the Department of Health and Senior Services; and

WHEREAS, the Commission provides advice on guidelines, policies, and procedures necessary to establish the Missouri Rx plan; educates Missouri residents on quality prescription drug programs and cost-containment strategies in medication therapy; and assists Missouri residents in enrolling or accessing prescription drug assistance programs for which they are eligible; and

WHEREAS, the Missouri Rx Plan was established pursuant to Section 208.782, RSMo and assigned to the Department of Social Services; and

WHEREAS, the purpose of the Missouri Rx Plan is to provide certain pharmaceutical benefits to certain elderly and disabled residents of this state, to facilitate coordination of benefits between the Missouri Rx plan and the federal Medicare Part D drug benefit program, as well as to enroll such individuals in said program; and WHEREAS, consolidation of the Commission and the Missouri Rx Plan within one department would increase efficiencies and eliminate duplication of efforts and is a component of the Governor's Executive Branch Reorganization Plan of 2006; and WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Missouri Department of Social Services and the Missouri Department of Health and Senior Services, to cooperate to:

1. Transfer all the authority, powers, duties, functions, records,

personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Missouri Rx Plan Advisory Commission from the Department of Health and Senior Services to the Department of Social Services; and

2. Develop mechanisms and processes necessary to effectively transfer the Missouri Rx Plan Advisory Commission to the Department of Social Services; and
3. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective no sooner than August 28, 2006 unless disapproved within sixty days of its submission to the Second Regular Session of the 93rd General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 1st day of February, 2006.

/s/ **Matt Blunt**

Governor

ATTEST:

/s/ **Robin Carnahan**
Secretary of State

Also,

February 1, 2006

REORGANIZATION PLAN NO. 3
2006

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2006, by Executive Order 06-06, to transfer the Missouri Assistive Technology Advisory Council from the Office of Administration and assign it, and all of its responsibilities and functions, to the Department of Elementary and Secondary Education.

The transfer of the Missouri Assistive Technology Advisory Council from the Office of Administration to the Department of Elementary and Secondary Education will improve efficiencies within state government, as other vocational rehabilitation and special education services are already provided by the Department of Elementary and Secondary Education.

Further, transferring this council to a department that provides services germane to the council's stated purpose makes sense administratively and as a matter of public policy because it will allow a more coherent and comprehensive approach to providing these services.

SPECIFIC DEPARTMENT STRUCTURE

The Missouri Assistive Technology Advisory Council will retain all functions and authority as provided by law. The Department of Elementary and Secondary Education shall furnish the necessary administrative support and staff for the efficient operation of the Missouri Assistive Technology Advisory Council.

Respectfully submitted,
Matt Blunt

EXECUTIVE ORDER

06-06

WHEREAS, the Missouri Office of Administration was created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 37, RSMo; and

WHEREAS, the Department of Elementary and Secondary Education was authorized pursuant to Article IX of the Missouri Constitution and created pursuant to Section 161.020, RSMo; and WHEREAS, Missouri is home to nearly one million persons with disabilities; and

WHEREAS, the Missouri Assistive Technology Advisory Council was established by Section 191.853, RSMo, and is currently assigned to the Office of Administration; and

WHEREAS, the Missouri Assistive Technology Advisory Council supports access to adaptive devices that increase the independence and productivity of Missourians with all types of disabilities; and WHEREAS, the Missouri Assistive Technology Advisory Council provides training, technical assistance, and education and rehabilitation services for individuals with disabilities and employers; and

WHEREAS, the work of the Missouri Assistive Technology Advisory Council would be strengthened by a move to the Department of Elementary and Secondary Education where other vocational rehabilitation and special education services are provided; and

WHEREAS, the transfer of the Missouri Assistive Technology Advisory Council would better serve Missouri's citizens by increasing efficiencies and eliminating duplication of efforts and is a component of the Governor's Executive Branch Reorganization Plan of 2006; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services;

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Missouri Office of Administration and the Missouri Department of Elementary and Secondary Education, to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and

other pertinent vestiges of the Missouri Assistive Technology Advisory Council from the Office of Administration to the Department of Elementary and Secondary Education, by Type III transfer, as defined under the Reorganization Act of 1974; and

2. Develop mechanisms and processes necessary to effectively transfer the Missouri Assistive Technology Advisory Council to the Department of Elementary and Secondary Education; and
3. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

This Executive Order rescinds certain provisions of Executive Order 04-08. Executive Order 04-08 shall remain effective as to all other provisions not specifically modified herein.

This Order shall become effective no sooner than August 28, 2006 unless disapproved within sixty days of its submission to the Second Regular Session of the 93rd General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 1st day of February, 2006.

/s/ Matt Blunt
Governor

ATTEST:

/s/ Robin Carnahan
Secretary of State

Also,

February 1, 2006

**REORGANIZATION PLAN NO. 4
2006**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 4 of 2006, by Executive Order 06-07, to transfer the Missouri Life Sciences Research Board from the Office of Administration and assign it, and all of its responsibilities and functions, to the Department of Economic Development.

The transfer of the Missouri Life Sciences Research Board from the Office of Administration to the Department of Economic Development will improve efficiencies within state government, as the Department of Economic Development currently administers other programs and state initiatives promoting life sciences in Missouri.

Further, because the Missouri Life Sciences Research Board is responsible for the management, governance, and control of moneys appropriated from the Life Sciences Research Trust Fund, transferring the Board to the department responsible for promoting life science initiatives makes sense administratively and as a matter of public policy because it will allow a more coherent and comprehensive approach to allocating resources for the promotion of Missouri as a leading center for life sciences research.

SPECIFIC DEPARTMENT STRUCTURE

The Missouri Life Sciences Research Board will retain all functions and authority as provided by law. The Department of Economic Development shall furnish administrative support and staff as is necessary for the effective operation of the Missouri Life Sciences Research Board.

Respectfully submitted,
Matt Blunt

**EXECUTIVE ORDER
06-07**

WHEREAS, the Missouri Office of Administration was authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 37, RSMo; and

WHEREAS, the Department of Economic Development was authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, the Missouri Life Sciences Research Board was created by section 196.1103, RSMo, and is currently assigned to the Office of Administration; and

WHEREAS, the Board is responsible for the management, governance, and control of moneys appropriated from the Life Sciences Research Trust Fund; and

WHEREAS, the Life Sciences Research Trust Fund was established to receive funds from the state's portion of the tobacco Master Settlement Agreement; and

WHEREAS, life sciences is a fast-emerging industry that is an integral part of Missouri's economy; and

WHEREAS, the work of the Missouri Life Sciences Research Board would be enhanced by a move to the Department of Economic Development where other state initiatives promoting life sciences in Missouri are located; and

WHEREAS, the transfer of the Missouri Life Sciences Research Board would better serve Missouri's citizens by increasing efficiencies and is a component of the Governor's Executive Branch Reorganization Plan of 2006; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE

STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Missouri Office of Administration and the Missouri Department of Economic Development to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of Missouri Life Sciences Research Board from the Office of Administration to the Department of Economic Development, by Type III transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Missouri Life Sciences Research Board to the Department of Economic Development; and
3. Transfer the responsibility for staff support for the Missouri Life Sciences Research Board from the Office of Administration to the Department of Economic Development; and
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective no sooner than August 28, 2006 unless disapproved within sixty days of its submission to the Second Regular Session of the 93rd General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 1st day of February, 2006.

/s/ **Matt Blunt**
Governor

ATTEST:

/s/ **Robin Carnahan**
Secretary of State

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Keith A. LaFerriere, M.D., Democrat, 458 South Oaks, Springfield, Greene County, Missouri 65809, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2008, and until his successor is duly appointed and

qualified; vice, Nancy Russell Mikkelsen, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donayle E. Whitmore-Smith, Democrat, 4638 Lewis Place, Saint Louis City, Missouri 63113, as a member of the Missouri Women's Council, for a term ending December 6, 2006, and until her successor is duly appointed and qualified; vice, Suzan Else, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael D. Kloos, 1640 Summer Drive, Fenton, Saint Louis County, Missouri 63026, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Ronald Graham, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian K. Hammons, 712 East Sunset, Stockton, Cedar County,

Missouri 65785, as a member of the Missouri State University Board of Governors, for a term ending August 28, 2011, and until his successor is duly appointed and qualified; vice, 174.450, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph "Joe" L. Ulveling, 504 Natchez Trace Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles F. Nordwald, Republican, 20 Hawthorn Drive, Warrenton, Warren County, Missouri 63383, as a member of the State Tax Commission, for a term ending January 23, 2012 and until his successor is duly appointed and qualified; vice, Sam Leake, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Reid K. Forrester, Republican, 2508 West Avondale, Poplar

Bluff, Butler County, Missouri 63901, as a member of the Board of Probation and Parole, for a term ending December 10, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Theresa Mayberry-Dunn, 410 North Newstead, Apartment Number 3E, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James T. "Jamie" Frakes, Republican, 2095 State Highway EE, Portageville, New Madrid County, Missouri 63873, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; vice, Paul Schmidt, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Kelly R. Forck, Democrat, 1502 Calvin Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Jay Plattner, deceased.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah L. Demien, Republican, 1515 Wilmer Road, Wentzville, Saint Charles County, Missouri 63385, as a member of the State Board of Education, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Jeannine Osborn, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2005 while the Senate was not in session:

Miller M. Leonard, Republican, 1817 4th Street, Platte City, Platte County, Missouri 64079, as a member of the Public Defender Commission, for a term ending December 30, 2011 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 30, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary E. Edwards-Fears, 1662 Barkwood Drive, Florissant, Saint Louis County, Missouri 63031, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2006, and until her successor is duly appointed and qualified; vice, Mark Byington, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 23, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Frances Arlene Hogue, Republican, 2916 Westover Place, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2007, and until her successor is duly appointed and qualified; vice, Mary Wheeler-Jones, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 30, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office submitted to you on January 4, 2006 for your advice and consent:

James B. Callis, 615 West Broadway Boulevard, Sedalia, Pettis County, Missouri 65302, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Deborah Scott, 26049 Shiloh, Centertown, Cole County,

Missouri 65023, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Linda Roebuck, 4707 King Salmon, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Mary Beth Luna, 5739 Pernod, Saint Louis City, Missouri 63139, as the Governor's Designee to the Midwestern Higher Education Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 173.705, RSMo.

Brian D. Dunlop, 314 West Jackson, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board B, for a term ending April 7, 2006, and until his successor is duly appointed and qualified; vice, Cynthia Rushefsky, term expired.

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice, Francis G. Slack, withdrawn.

James F. Mauze, 91 Pointer Lane, Saint Louis City, Missouri 63124, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2010, and until his successor is duly appointed and qualified; vice, Emma Brent, term expired.

Mark F. Miller, 1221 SW Creekside Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2009, and until his successor is duly appointed and qualified; vice, Robin Vogt, term expired.

Sarah R. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Kimberly Carlos, resigned.

Thomas F. George, Ph.D., 401 Woods Hall One University Boulevard, Saint Louis City, Missouri 63121, as a member of the Midwestern Higher Education Commission, for a term ending January 1, 2009, and until his successor is duly appointed and

qualified; vice, Elson Floyd, term expired.

David C. Zimmerman, Democrat, 5 River Cover, Crystal City, Jefferson County, Missouri 63019, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2010, and until his successor is duly appointed and qualified; vice, Gwendolyn Grant, resigned.

Craig Westfall, 4671 Highway H, Half Way, Polk County, Missouri 65663, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Darrell Robertson.

I hereby withdraw from your consideration the following appointments to office submitted to you on February 1, 2006 for your advice and consent:

Miller M. Leonard, Republican, 1817 4th Street, Platte City, Platte County, Missouri 64079, as a member of the Public Defender Commission, for a term ending December 30, 2011 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointments be returned to the Governor per his request, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Amber Sandner, Macon.

Senator Cauthorn introduced to the Senate, Don Noble, Donna Welte, Kathaleen Winkleman and Melissa Emel, from Knox and Schuyler Counties.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Frank Rieger, M.D., Columbia.

Senator Engler introduced to the Senate, Meg Stevenson and Larry Grey, Farmington.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 6, 2006.

SENATE CALENDAR

EIGHTEENTH DAY—MONDAY, FEBRUARY 6, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 975-Days	SB 990-Vogel
SB 976-Gibbons	SB 991-Mayer, et al
SB 977-Bartle	SB 992-Scott
SB 978-Kennedy, et al	SB 993-Scott
SB 979-Griesheimer	SB 994-Dougherty, et al
SB 980-Clemens	SB 995-Dougherty, et al
SB 981-Goodman, et al	SB 996-Dougherty
SB 982-Koster	SB 997-Kennedy and Coleman
SB 983-Mayer, et al	SB 998-Champion
SB 984-Purgason	SB 999-Alter
SB 985-Cauthorn and Mayer	SB 1000-Loudon
SB 986-Green	SB 1001-Griesheimer
SB 987-Green	SB 1002-Mayer
SB 988-Green	SB 1003-Mayer
SB 989-Bray	SB 1004-Days

SENATE BILLS FOR PERFECTION

SB 849-Mayer, et al	SB 590-Nodler and Champion, with SCS
SB 773-Cauthorn and Barnitz, with SCS	SJR 26-Ridgeway and Graham
SB 689-Scott	SBs 858 & 868-Shields, with SCS
SB 645-Griesheimer	SB 583-Griesheimer and Alter, with SCS
SB 690-Champion, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS	SB 641-Scott
SB 747-Klindt, with SCS	SB 808-Ridgeway

SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 691-Champion
SB 678-Gross
SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler

SB 646-Griesheimer, with SCS
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross
SB 791-Mayer and Kennedy
SB 871-Coleman

RESOLUTIONS

Reported from Committee

SCR 25-Cauthorn, with SCS
SCR 24-Scott, with SCS

SCR 22-Champion

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY—MONDAY, FEBRUARY 6, 2006

The Senate met pursuant to adjournment.

Scott Shields Stouffer Vogel
Wheeler Wilson—30

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

"For my brethren and companion's sake, I pray for your prosperity." (Psalm 122:8)

Absent with leave—Senators

Barnitz Graham Loudon—3

Holy Lord, we give You thanks for bringing us safely together and ask as we begin this week for the prosperity for the people of this state that we might have the resources to provide for the care and protection of our fellow citizens and may do what is right and proper for all our people and may we live in peace and joy in Your presence. In Your Holy Name we pray. Amen.

Vacancies—1

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Days offered Senate Resolution No. 1934, regarding Paul Lee, Saint Louis, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Stouffer offered Senate Resolution No. 1935, regarding the birth of Grayson William Cole, Glasgow, which was adopted.

The Journal for Thursday, February 2, 2006 was read and approved.

Senator Stouffer offered Senate Resolution No. 1936, regarding the birth of Madilynn Joe McAlpin, which was adopted.

The following Senators were present during the day's proceedings:

Senator Stouffer offered Senate Resolution No. 1937, regarding the birth of Jessalyn Parks, Macon, which was adopted.

Present—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway

Senator Stouffer offered Senate Resolution No. 1938, regarding the birth of Emily Marie Rice, Liberty, which was adopted.

Senator Stouffer offered Senate Resolution No. 1939, regarding the birth of Joshua Matthew

Wriedt, Callao, which was adopted.

Senator Stouffer offered Senate Resolution No. 1940, regarding the birth of Jayden Michael Shiflett, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 1941, regarding the birth of Tara Lynn Gardenier, which was adopted.

Senator Stouffer offered Senate Resolution No. 1942, regarding Mr. and Mrs. Steven Nation, which was adopted.

Senator Green offered Senate Resolution No. 1943, regarding Steven E. Wylie, Leasburg, which was adopted.

Senator Bray offered Senate Resolution No. 1944, regarding Beth Goyer, Des Peres, which was adopted.

Senator Koster offered Senate Resolution No. 1945, regarding Timothy John Kruse, Belton, which was adopted.

Senator Koster offered Senate Resolution No. 1946, regarding Daniel Simes, Belton, which was adopted.

Senator Koster offered Senate Resolution No. 1947, regarding Aaron B. Winters, Belton, which was adopted.

Senator Koster offered Senate Resolution No. 1948, regarding the S.A. Flick Seed Company, Kingsville, which was adopted.

Senator Goodman offered Senate Resolution No. 1949, regarding the Lions Club, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 1950, regarding Casey Patrick Bernsen, Shell Knob, which was adopted.

Senator Gross offered Senate Resolution No. 1951, regarding David Kurre, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1952, regarding Peggy Neer, St. Charles, which

was adopted.

Senator Dougherty offered Senate Resolution No. 1953, regarding the birth of Michaela Josephine Johnson, Affton, which was adopted.

Senator Gibbons offered Senate Resolution No. 1954, regarding Carl A. Leibner, O'Fallon, which was adopted.

Senator Gibbons offered Senate Resolution No. 1955, regarding the March of Dimes, Greater Missouri Chapter, which was adopted.

Senator Wheeler offered Senate Resolution No. 1956, regarding Ronald D. Jury, which was adopted.

Senator Coleman offered Senate Resolution No. 1957, regarding Somark, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1958, regarding Logistical Resource Solutions, Incorporated, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1959, regarding Sally Brayley Bliss, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 1960, regarding the Jackson High School Wind Symphony, which was adopted.

Senator Crowell offered Senate Resolution No. 1961, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Hansel Robinson, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1962, regarding Brent Wessel, Cape Girardeau, which was adopted.

Senator Shields offered Senate Resolution No. 1963, regarding the Boy Scouts of America, which was adopted.

Senator Champion offered Senate Resolution No. 1964, regarding Andrew Christopher Wayne, Springfield, which was adopted.

Senator Nodler offered Senate Resolution No.

1965, regarding Paula J. Hartzell, MD, PC, Joplin, which was adopted.

Senator Engler offered Senate Resolution No. 1966, regarding John William Libby, Farmington, which was adopted.

Senator Alter offered Senate Resolution No. 1967, regarding Charlene “Char” Byers, Festus, which was adopted.

Senator Klindt offered Senate Resolution No. 1968, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Calvin V. Jones, Chillicothe, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1005—By Stouffer.

An Act to repeal sections 197.215, 197.305, 197.315, 197.317, 197.325, 197.340, 197.345, 197.355, 197.357, and 197.366, RSMo, and to enact in lieu thereof twenty-one new sections relating to health care facilities, with an expiration date for certain sections.

SB 1006—By Goodman, Klindt, Engler, Koster, Callahan, Crowell, Mayer, Ridgeway and Nodler.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for volunteer firefighters.

SB 1007—By Goodman and Days.

An Act to amend chapter 367, RSMo, by adding thereto one new section relating to unsolicited negotiable instruments.

SB 1008—By Klindt.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the governor’s advisory council on agricultural science and technology.

SB 1009—By Klindt.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to plant biotechnology.

SB 1010—By Wheeler.

An Act to repeal sections 347.187, 355.020, 355.171, 355.631, 355.791, 358.440, 359.041, and 359.121, RSMo, and to enact in lieu thereof eight new sections relating to filings and duties of corporations and partnerships, with a penalty clause.

SB 1011—By Wheeler.

An Act to repeal sections 59.163, 59.170, 59.319, and 59.331, RSMo, and to enact in lieu thereof five new sections relating to recorder of deeds.

SB 1012—By Wheeler.

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to designation of next-of-kin for deceased persons.

SB 1013—By Crowell.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 1014—By Scott and Gibbons.

An Act to repeal sections 115.126, 115.163, 115.223, 115.427, 115.430, 115.431, 115.631, and 115.637, RSMo, and to enact in lieu thereof eleven new sections relating to election administration, with penalty provisions and an emergency clause.

SB 1015—By Kennedy.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to hepatitis C testing.

SB 1016—By Gross.

An Act to repeal section 137.390, RSMo, and to enact in lieu thereof one new section relating to determination of tax rates for county commissions,

with an emergency clause.

SENATE BILLS FOR PERFECTION

SB 849 was placed on the Informal Calendar.

SB 773, with **SCS**, was placed on the Informal Calendar.

SB 689 was placed on the Informal Calendar.

SB 645 was placed on the Informal Calendar.

SB 690, with **SCS**, was placed on the Informal Calendar.

Senator Nodler moved that **SB 590**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 590**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 590

An Act to repeal sections 172.287, 173.005, 174.450, 174.453, and 174.500, RSMo, and to enact in lieu thereof nine new sections relating to the powers of the coordinating board of higher education, with penalty provisions and a termination date for a certain section.

Was taken up.

Senator Nodler moved that **SCS** for **SB 590** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 590**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 590

An Act to repeal sections 172.287, 173.005, 173.616, 174.450, 174.453, and 174.500, RSMo, and to enact in lieu thereof ten new sections relating to the powers of the coordinating board of higher education, with penalty provisions and a termination date for a certain section.

Senator Nodler moved that **SS** for **SCS** for **SB 590** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 8, Section 173.005, Lines 10-18, by striking said lines and inserting in lieu thereof: "institution appeals such decision to the full coordinating board, which shall have the authority to make a" and further amend said Bill, page 13, section 173.125, lines 15-28, by striking said lines and further amend page 14, lines 1-2, by striking said lines and inserting in lieu: "shall be reviewed by the full coordinating board, at".

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Nodler, **SB 590**, with **SCS** and **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 5**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 5

Relating to the observance of Ronald Reagan Day in Missouri.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he earned the confidence of 60% of the electorate and was victorious in 49 of the 50 states in the general election - a record unsurpassed in the history of American presidential elections; and

Whereas, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, during Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an

unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, Mr Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6th is the birthday of Ronald Reagan:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby declare February 6th of each year to be "Ronald Reagan Day" in Missouri

and urge all citizens of Missouri to recognize this event and participate fittingly in its observance; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Michelle Tanner, New Orleans, Louisiana.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

NINETEENTH DAY—TUESDAY, FEBRUARY 7, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 975-Days

SB 976-Gibbons

SB 977-Bartle

SB 978-Kennedy, et al

SB 979-Griesheimer

SB 980-Clemens

SB 981-Goodman, et al

SB 982-Koster

SB 983-Mayer, et al

SB 984-Purgason

SB 985-Cauthorn and Mayer

SB 986-Green

SB 987-Green

SB 988-Green

SB 989-Bray

SB 990-Vogel

SB 991-Mayer, et al

SB 992-Scott

SB 993-Scott

SB 994-Dougherty, et al

SB 995-Dougherty, et al

SB 996-Dougherty

SB 997-Kennedy and Coleman

SB 998-Champion

SB 999-Alter

SB 1000-Loudon

SB 1001-Griesheimer

SB 1002-Mayer

SB 1003-Mayer

SB 1004-Days

SB 1005-Stouffer

SB 1006-Goodman, et al

SB 1007-Goodman and Days
SB 1008-Klindt
SB 1009-Klindt
SB 1010-Wheeler
SB 1011-Wheeler

SB 1012-Wheeler
SB 1013-Crowell
SB 1014-Scott and Gibbons
SB 1015-Kennedy
SB 1016-Gross

SENATE BILLS FOR PERFECTION

SJR 26-Ridgeway and Graham
SBs 858 & 868-Shields, with SCS

SB 583-Griesheimer and Alter, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 590-Nodler and Champion, with SCS, SS
for SCS & SA 1 (pending)
SB 645-Griesheimer
SB 689-Scott

SB 690-Champion, with SCS
SB 773-Cauthorn and Barnitz, with SCS
SB 849-Mayer, et al

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 808-Ridgeway
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 691-Champion
SB 678-Gross
SB 630-Gross, with SCS

SB 805-Gross
SB 612-Engler
SB 646-Griesheimer, with SCS
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross
SB 791-Mayer and Kennedy
SB 871-Coleman

RESOLUTIONS

Reported from Committee

SCR 25-Cauthorn, with SCS
SCR 24-Scott, with SCS

SCR 22-Champion

To be Referred

HCR 5-Bearden

Unofficial
✓

Journal

Copy

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 7, 2006

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“That the creation itself also shall be delivered from the bondage of corruption into the liberty of the glory of the children of God.” (Romans 8:21)

Heavenly Father, we hear daily how many in our world are groaning to be freed from the hardship of life and the tyranny and oppression they live with; but we know that is Your will for Your children. So we pray that Your creation shall be delivered so that we might all live in peace. And we pray for Senator Graham, that he may be quickly healed and return to us whole and healthy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

Absent—Senators—None

Absent with leave—Senators
Graham Loudon—2

Vacancies—1

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1969, regarding Trevor M. Williams, Glendale, which was adopted.

Senator Champion offered Senate Resolution No. 1970, regarding Carson Garner, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1017—By Clemens.

An Act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof three new sections relating to the state milk board.

SB 1018—By Kennedy and Mayer.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof twenty-six new sections

relating to private investigators, with penalty provisions.

SB 1019—By Alter and Gross.

An Act to repeal section 210.1012, RSMo, and to enact in lieu thereof one new section relating to the Amber alert system, with penalty provisions.

SB 1020—By Vogel.

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to requirements for installers and manufacturers of fuel storage tanks.

SB 1021—By Dougherty, Bray, Days, Green and Wilson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the Missouri high risk pool.

SB 1022—By Dougherty, Bray and Wilson.

An Act to repeal section 208.145, RSMo, and to enact in lieu thereof one new section relating to medical assistance.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 5—Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 975—Financial and Governmental Organizations and Elections.

SB 976—Transportation.

SB 977—Financial and Governmental Organizations and Elections.

SB 978—Education.

SB 979—Judiciary and Civil and Criminal

Jurisprudence.

SB 980—Education.

SB 981—Pensions, Veterans' Affairs and General Laws.

SB 982—Judiciary and Civil and Criminal Jurisprudence.

SB 983—Education.

SB 984—Judiciary and Civil and Criminal Jurisprudence.

SB 985—Agriculture, Conservation, Parks and Natural Resources.

SB 986—Aging, Families, Mental and Public Health.

SB 987—Transportation.

SB 988—Small Business, Insurance and Industrial Relations.

SB 989—Financial and Governmental Organizations and Elections.

SB 990—Transportation.

SB 991—Small Business, Insurance and Industrial Relations.

SB 992—Judiciary and Civil and Criminal Jurisprudence.

SB 993—Financial and Governmental Organizations and Elections.

SB 994—Education.

SB 995—Ways and Means.

SB 996—Economic Development, Tourism and Local Government.

SB 997—Economic Development, Tourism and Local Government.

SB 998—Aging, Families, Mental and Public Health.

SB 999—Economic Development, Tourism and Local Government.

SB 1000—Judiciary and Civil and Criminal

Jurisprudence.

SB 1001—Transportation.

SB 1002—Economic Development, Tourism and Local Government.

SB 1003—Economic Development, Tourism and Local Government.

SB 1004—Aging, Families, Mental and Public Health.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of Transportation Address from Mr. Pete Rahn, Director of the Missouri Department of Transportation, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Pro Tem Gibbons.

On roll call the following Senators were present:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

Absent—Senator Koster—1

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

On roll call the following Representatives were present:

Present—Representatives

Aull	Avery	Baker 25	Baker 123
Bean	Bearden	Behnen	Bivins
Black	Bland	Bogetto	Bowman

Boykins	Bringer	Brown 30	Bruns
Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Dempsey
Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery
Ervin	Faith	Fares	Fisher
Flook	Franz	Fraser	George
Guest	Harris 23	Harris 110	Haywood
Henke	Hobbs	Hoskins	Hubbard
Hughes	Hunter	Ice	Jackson
Johnson 61	Johnson 90	Jolly	Jones
Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke
Lipke	Loehner	Low 39	Lowe 44
Marsh	May	McGhee	Meiners
Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford
Page	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robinson
Roorda	Rucker	Ruestman	Rupp
Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schoemehl	Self
Shoemyer	Silvey	Skaggs	Smith 14
Smith 118	Smith 150	Spreng	Stevenson
St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa
Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright-Jones	Yaeger
Yates	Young	Mr Speaker—147	

Absent and Absent with leave—Representatives

Brooks	Brown 50	Deeken	Johnson 47
Levota	Liese	Meadows	Parker
Robb	Schneider	Wright 137	Wright 159
Zweifel—13			

Vacancies—3

The Director of Transportation, Pete Rahn, assumed the dais and delivered the State of Transportation Address to the Joint Assembly:

Pete Rahn

State of Transportation Address

Jefferson City, Missouri

February 7, 2006

Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Members of the 93rd General Assembly, Members of the Missouri Highways and Transportation Commission, and Citizens of Missouri:

What a difference a year makes!

Last year during this address, I made a lot of bold statements. I said that together, the people of Missouri and MoDOT, would make our highways smoother and safer, sooner than anyone could imagine. I said that MoDOT would become a model for state government by demonstrating openness, accountability and an unrelenting focus on the people we serve. And I said we would make the absolute best use of every taxpayer dollar we spent on your transportation system.

Last year, I talked the talk. During the past year, we have walked the walk. With your help, we are proud to bring you progress you can feel!

You are feeling that progress through the improved smoothness and safety of our highways. The voters of Missouri presented us with the opportunity to do great things by passing Amendment 3. We moved quickly to get vital projects ready to go and in 2005 our Smoother, Safer, Sooner plan roared full speed ahead.

I have said many times that people judge the job MoDOT is doing through the seat of their pants. In other words, the smoothness of our roads.

Upon completion of this initiative, over 2,200 miles of Missouri's busiest highways will be in good condition. These highways carry 60 percent of all traffic, and 86 percent of our population lives within 10 miles of one of them. Nearly 29 billion miles a year are traveled on these roads. We are making them smooth. That is progress millions of Missourians can feel.

As the average age of our driving population increases we must accommodate their needs too. So the Smooth Roads Initiative also means progress you can see and hear. Progress you can see through larger, easier-to-read road signs; and brighter, wider pavement markings. Progress you can hear through rumble stripes that alert you loud and clear when you are veering off the roadway and that provide a clear path on highway shoulders for bicyclists.

We moved quickly to get Amendment 3 improvements started, and a majority of Smooth Roads Initiative projects are now under contract. In his State of the State Address, however, Governor Blunt issued a challenge to even further speed up our efforts to improve Missouri's highways. He challenged MoDOT to complete the Smooth Roads Initiative by the end of 2006 -- a full one year ahead of schedule. And, not that we're keeping track, but that is a mere 327 days, 13 hours, 19 minutes and 46 seconds from now.

This is a major challenge, but the governor was right to stress fixing our roads as fast as possible. It is paramount to the success of our state. The sooner we finish, the sooner we benefit from the results. It will not be easy, but we will meet the governor's challenge. When we do, it will be progress you can feel...in record time.

A sage once said, "The shortest distance between two points is....under construction." Well, we demonstrated that in 2005 with over 1,000 work zones from border to border. A record number of work zones means a record number of opportunities to inconvenience travelers. We responded to this by working closely with our contractors to ensure work zones flowed as well as possible and that they were safe for crews and the traveling public. We are committed to progress, but we must achieve it safely.

There is no doubt, 2006 will be even bigger--in fact, the biggest year in Missouri's highway construction history. That's unprecedented progress. Progress you can feel!

The second element of Smoother, Safer, Sooner focused on getting scheduled highway improvements done quicker. Bonding made possible by Amendment 3 allowed us to speed up work already in our five-year construction plan - some by several years. We have moved up 55 projects totaling four hundred and thirty two million dollars, with work already under way on more than 35 highway improvements.

Getting this work done sooner is extremely important. An improved road saves lives, creates jobs, and makes travel more efficient for millions of drivers. This is a vital aspect of our Amendment 3 implementation. This is progress you can feel!

The third element of Smoother, Safer, Sooner resulted from the most open and transparent highway improvement selection process in Missouri's history and, I am confident, the entire nation. We invited private citizens from every region of Missouri to sit at the table with MoDOT and decide what new projects should be added to our five-year plan.

The people of Missouri helped us identify 39 projects to be added to the five-year construction program. These are high-priority, major projects totaling one point six billion dollars that otherwise could not have been built for decades.

Ladies and gentlemen, this progress means that you can feel the state of your transportation system improving, but there is much work left to be done and insufficient resources to do it. Amendment 3 and the outstanding work of our congressional delegation on the renewal of the federal transportation-funding bill have provided an increased highway revenue stream that is greatly appreciated, and we are using it to dramatically improve your state highways. However, in 2010 the construction bubble bursts and our construction program will diminish by over six hundred million dollars annually.

Our five-year construction program will average one point four billion dollars per year. We will make the best use of every dollar spent to successfully complete the largest transportation program in Missouri's history with 866 projects totaling seven point three billion dollars.

At the end of those five years, however, our per-year construction average will plummet to \$805 million. Additionally, we are experiencing higher fuel prices and a decrease in car sales. These are factors that add up to less than expected revenues for needed highway improvements and increasing costs to build them.

The sun is shining on transportation in Missouri, but there are storm clouds on the horizon. Good old Missouri common sense says that you fix the roof when the sun is shining not once it starts raining. It is imperative that we initiate a discussion about future transportation investments.

This year we celebrate the 50th anniversary of the nation's interstate highway system. Interstate highways have changed the American way of life. They have brought us closer together, revolutionized freight shipment and fueled the most powerful economic engine in world history. Unfortunately, interstate highways weren't built to last 50 years.

In Missouri, stretches of I-70 that are now nearly 50 years old were designed to last just 20 years. There was no way to predict that this corridor, connecting our two largest cities and Missouri to the world, would carry the amount or type of traffic it now does. The congestion on I-70 presents safety concerns, could affect productivity and has damaged this vital highway all the way to its core. By 2030, the entire length of I-70 will be stop-and-go traffic and I-44 is just ten years behind. The bottom line is that our interstates are victims of their own success.

I-70 needs to be rebuilt from the ground up and needs to be expanded to accommodate ever-growing traffic and the ever-larger vehicles using it. A total reconstruction would cost more than three and a half billion dollars. With current funding, however, we will only be able to rebuild this vital corridor one short section at a time. That method will mean none of us will be alive to see its completion.

Unfortunately, while we know how much it will cost to fix I-70 and we know what will not work as a reasonable way to pay for it, we do not know how we WILL pay for it.

As Ron McLinden of the Sierra Club mentioned to me, "The future isn't what it used to be." We are now competing in a global economy with legitimate global competitors. China, for example, is replicating our interstate system, along with major new air and water ports, and is already a world economic power that will challenge U. S. markets in the future.

We must not lose our competitive advantage in the global economy and part of maintaining that advantage is investing in transportation. We know that right here in Missouri for every dollar spent on transportation we get a five-dollar return on that investment. We must continue to invest and, to do so, we must find innovative ways to generate the money. We face many tough decisions that cannot be avoided.

Big problems, however, do not have to mean inaction. Due to unique circumstances involving a new Mississippi River Bridge, we are asking the General Assembly to authorize the creation of an innovative public/private partnership to construct a sorely needed new river crossing in St. Louis. We have gone back to the drawing

board on this project and, working with the Illinois Department of Transportation, have reduced its cost by nearly half. Yet, we still do not have the money to build it.

A new river bridge in St. Louis would benefit our entire state through commerce, tourism, safety and positive environmental impacts. Analysis by the Missouri Department of Economic Development shows a 16 to one return on investment for this project. I urge you to pass this vital legislation quickly.

We also support legislation this year to redirect the sales tax paid by highway contractors to transportation. MoDOT is charged with being a transportation department, but it is funded like a highway department. Our plan is to use revenue generated by the highway contractors' sales tax to fix this situation.

Ending this mini-diversion from transportation will mean better airports for economic development. Greater access to rail and river resources to move freight and reduce traffic on our highways. And better public transit options in both our urban and rural communities.

Now, I realize that we cannot expect major increases in resourcesuntil the public knows that we make the absolute best use of every tax dollar. It is imperative that we stretch our dollars to do more because that's what the people of Missouri demand.

MoDOT is listening and responding. A major reconstruction of I-64, also known as Highway 40, is in the works. It will be the largest highway construction project in Missouri history. It will also be the most innovative through the use of a design-build process and unprecedented contractor flexibility to allow for innovations and cost savings. The completion of this project will mean congestion relief and greater connectivity for motorists in St. Louis. That is progress of record proportions.

With progress, however, sometimes comes annoyance. We will do everything we can to minimize inconvenience to travelers on this 12-mile section of highway, but some inconvenience is inevitable. What we will not do though is close I-64 in its entirety for the duration of construction. That is our promise to the people of St. Louis. We have heard you, we have responded and that option is off the table.

While a complete closure is off the table, we are giving more people a seat at the table. A job can change a life. Therefore, we are working with community organizations that represent Missouri's underserved to ensure greater opportunity for low income and minority citizens in our highway program. It is our hope that I-64 will become a model for the future.

Our innovations also include the implementation of a common sense approach to designing highway construction projects. This no-frills philosophy, called Practical Design, allows us to build safe roads and bridges that meet the needs of Missourians without unnecessary extravagances. This approach allows us to save money on each project so we can do even more projects.

Through Practical Design, we will save four hundred million dollars on highway improvements over the next five years. That is four hundred million dollars going to vital road work in all parts of this state, work that would not have been done previously. Now THAT

is progress taxpayers feel in their pocketbooks.

Our innovations also include the most extensive results-based performance measuring system in state government. Through a report called the Tracker, we provide you and all Missourians with a direct window into MoDOT - warts and all.

We have identified 18 tangible results that the people of Missouri expect us to deliver. These include smooth and unrestricted roads and bridges; uninterrupted traffic flow; a safe transportation system; personal, courteous and fast customer service; the best value for every dollar spent; and customer involvement in decision making -- among other vital outcomes.

To gauge our progress toward these critical results, we track 123 measures. How we are doing on these measures, good or bad, is reported in the Tracker quarterly and immediately released for anyone to see. Hard copies are made available and it is posted on our web site.

We are proud that the Governor's Government Review Commission cited the Tracker as a model for other state agencies and has recommended that they implement similar processes. That feels like progress to me.

Additionally, we have looked to the people of this state for innovative solutions to our transportation challenges. For example, we brought together private citizens, business leaders, elected officials, highway contractors, consultants and many others for a day-long session to identify ways we can do things better, faster and cheaper.

We call this process Partnering for Innovative Efficiencies. It has yielded numerous ideas, many of which we are implementing, and we are planning another session in April where we will further focus on better, faster and cheaper ways to improve transportation in Missouri.

I believe strongly that we must continuously find ways to do things better, faster and cheaper. When I asked MoDOT workers to do things better, however, the response was, "just better isn't good enough. We will not produce a world class transportation system unless we do world class work."

When I said faster, MoDOT workers said, "faster isn't fast enough. We will move at unreasonably fast speeds to deliver the best transportation system in the world."

When I said cheaper, MoDOT workers said, "we will build quality products of great value -- efficiently - and we will save the taxpayers of this state more money than you would have thought possible."

Ladies and gentlemen, welcome to the new MoDOT! An organization committed to innovation. Our approach is economical, but our success will be enormous. We are listening to you. We are working with you. We are showing you progress like never before - progress you can feel!

In 2005, MoDOT employees showed there is no limit to how far they will go to help their fellow Missourians. During the past year, these dedicated public servants have gone above and beyond the call of duty.

When the Taum Sauk Dam failed last December in south central

Missouri, MoDOT employees were among the first on the scene. Operations Engineer Henry Haggard was a mere 15 minutes behind the wall of water that flooded the area. He arrived on Route N and began coordinating crews clearing the roadway.

Among those crewmembers were Ben Meredith and Justin Blankenship of Centerville and Nick Lambert of Bellevue. These folks did not stop until the roads were clear of debris, traffic could pass again, an alternate route could be used if the second dam failed and whatever else needed to be done was done. They and many other members of the MoDOT family went home covered in mud, but today they are wrapped in our appreciation.

MoDOT employees responded heroically to that disaster, but heroism is common among the people with whom I am privileged to work. Tragedy struck twice near a repaving project on Route 61 through Moscow Mills. On both occasions, MoDOT Construction Inspector Lee Ann Kelly reacted in heroic fashion.

At around 2 a.m. on Aug. 11, a man was thrown from his motorcycle landing on the centerline, with the cycle in the middle of the passing lane. As a licensed emergency medical technician, Lee Ann knew what to do. Traffic was diverted and she enlisted a bystander to hold the gentleman's head while she cared for him until an ambulance arrived.

Just a few weeks later, another accident occurred at Route 61 and U south of Troy. Lee Ann ran to the wrecked car. The driver was unconscious sitting upright in the driver's seat. She placed his head in the correct position, opened his airway, and made sure he was breathing until emergency responders could reach the scene.

Local law enforcement officials credited Lee Ann with saving both drivers' lives. Lee Ann and the Taum Sauk responders are here today. I ask them to stand and receive the recognition they deserve.

These are just five of the outstanding people who work for MoDOT and are dedicated to public service. They reacted to dire circumstances in extraordinary ways.

We are asking all MoDOT employees, however, to accomplish extraordinary feats. We are asking them to complete the single largest transportation project in Missouri history, we are asking them to deliver the largest construction program in Missouri history, we are asking them to deliver the Smooth Roads Initiative a full year early and we are holding them accountable for results at every step along the way.

Last year, I promised you that MoDOT employees would accomplish these things and more without adding personnel or new buildings. We have kept that promise and will remain committed to it.

MoDOT employees are doing more, but like other state employees they have not received a significant pay increase in five years. Therefore, I ask the General Assembly to pass a four percent across-the-board pay increase for Missouri's dedicated state employees. Missouri has a lot of things to be proud of - being last in state employee pay isn't one of them.

Statewide, we are focused on saving more than 200 lives per year and getting traffic fatalities below 1,000 by 2009. Through a

partnership with the Highway Patrol, local law enforcement, highway safety advocates and other governmental agencies we have formed the Missouri Coalition for Roadway Safety. I know this grassroots effort will save lives on Missouri's roads.

The news from 2005, however, is not good. After a dramatic decrease in traffic deaths in 2004, fatalities increased by 9 percent this past year. 1,234 sons and daughters, mothers and fathers lost their lives on our highways in 2005. These numbers are unacceptable, undeniably tragic and an inexcusable embarrassment to our state.

They are particularly inexcusable when you consider that we could save 90 lives per year through a primary safety belt law. We can accomplish that noble goal by simply allowing officers to enforce our current law that requires safety belt use.

Now, I realize this issue may not be universally popular, but I feel a moral obligation to appeal to you once again for a primary safety belt law. Not because it is necessarily popular, but because it is right.

Doing what is right isn't always easy, but it is always right. We are losing an obscene number of Missourians to traffic crashes. A primary safety belt law will save lives and it is the right thing to do.

Etched in stone over the back entrance to this chamber is the phrase, "Progress is the law of life." In other words, when we are through making progress, then we are through. Well, we're not through. With your help, MoDOT will continue to get better, to make our transportation system better and to make our great state better.

You don't achieve progress, however, through talk. You achieve it through action. On the wall of my office I have a sign with an equation that reads, "Dreams minus Action equals Squat."

MoDOT is your action agency. We dream big, and we deliver big. Gone is the indecisive bureaucracy. Arrived is the more nimble organization that gets things done. The department that produces real progress. Progress you can feel.

To paraphrase a great Missourian, George Washington Carver: It will only be when MoDOT does common things in an uncommon way that people will take notice. That's our commitment to you - to make you notice uncommon progress. Progress you can feel.

So, how does this make you feel? In the coming years, we will undertake the reconstruction of I-64 in St. Louis and will finally connect it to I-70. We will also build a new Paseo Bridge in Kansas City. And we will complete the four-laning of U.S. 67 from Festus to Poplar Bluff.

Within five years, we will have new major river bridges in Hermann and Atchison.

Plus, we will complete the four-laning of U.S. 60 from Springfield to Sikeston; the four-laning of U.S. 71 from I-44 to Arkansas; the four-laning of U.S. 61 from Iowa to St. Louis; the four-laning of U.S. 65 from Buffalo to Arkansas; the four-laning of U.S. 36 from St. Joseph to Hannibal; the four-laning of U.S. 13 from Clinton to Springfield and the four-laning of U.S. 63 from Kirksville to Jefferson City.

Additionally, our 2,200 busiest miles of state highways -- including

all of I-70, all of I-44 and every other interstate in Missouri -- will be in good condition.

What does that feel like to you? That feels like real, tangible progress to me. Progress you can feel!

I look forward to working with each of you for even greater progress in the years ahead. Thank you and may God bless your travels.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Griesheimer.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 590**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Pages 16-19, Section 173.272, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 7, Section 173.005, Line 15, by adding after the word "any" the word "**public**" and by deleting the comma "," on said line and further amend said bill line 16 by deleting the words "public or private," and further amend said bill, line 27 by deleting the word "an" and insert in lieu thereof the

words **“any such public”**.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 16, Section 173.234, Line 22, by inserting after all of said line the following:

“173.270. 1. The coordinating board for higher education shall make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any student, beginning with incoming freshmen in the 2006 fall semester or term, who:

(1) Is a resident of this state;

(2) Has graduated within the previous three years from high school or passed the GED examination; and

(3) Has been in foster care or other residential care under the department of social services on or after:

(a) The day preceding the student's eighteenth birthday;

(b) The day of the student's fourteenth birthday, if the student was also eligible for adoption on or after that day; or

(c) The day the student graduated from high school or received a GED.

2. To be eligible for a waiver award, a student shall:

(1) Apply to and be accepted at the institution not later than:

(a) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student

received a GED, whichever is earliest; or

(b) The student's twenty-first birthday;

(2) Apply for other student financial assistance, other than student loans, in compliance with federal financial aid rules, including the federal Pell grant;

(3) Apply to the coordinating board for higher education for a determination of eligibility. Application shall be on forms and in a manner prescribed by rule of the coordinating board; and

(4) Complete a minimum of one hundred hours of community service or public internship within a twelve-month period beginning September first for each year in which the student is receiving a tuition and fee waiver award pursuant to this section. The department of higher education, in collaboration with participating state institutions of higher education, shall by rule determine the community service and public internships that students may participate in to meet the requirements of this subdivision. A student may fulfill this requirement by completing the necessary community service or public internship hours during the summer.

3. The tuition and fee waiver provided by this section shall be awarded on an annual basis and shall continue to be available, if the student is otherwise eligible pursuant to this section, as long as the student remains in good academic standing at the state institution of higher education.

4. The waiver provided by this section for each eligible student may be used for no more than four years of undergraduate study and may only be used after other sources of financial aid that are dedicated solely to tuition and fees are exhausted.

5. No student who is enrolled in an institution of higher education as of the effective date of this section shall be eligible for a waiver

award under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, In the Title, Line 3-4, by striking the words: “the powers of the coordinating board of”.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section A, Line 5, by inserting immediately after said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's

federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal income taxes but disallowed against

Missouri income taxes pursuant to this paragraph since July 1, 2002, may be carried forward and taken against any loss on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer

acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002; [and]

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(i) The amount of any qualified higher

education expenses determined under section 143.1014.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

143.1014. 1. This section shall be known and may be cited as the "Higher Education Expenses Deduction".

2. As used in this section, the following terms mean:

(1) "Department", the department of revenue;

(2) "Director", the director of the department of revenue;

(3) "Higher education institution", a Missouri public institution that meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to non-degree granting institutions as established by the coordinating board for higher education.

(4) "Tax liability", the tax due under chapter 143, other than taxes withheld under sections 143.191 to 143.265; and

(5) "Taxpayer", any student filing income tax returns or a taxpayer who claims a student as a dependent.

3. If any taxpayer with a federal adjusted gross income of less than one hundred thousand dollars incurs tuition or fee expenses for enrollment of at least half time at a higher education institution, such taxpayer shall subtract from such taxpayer's federal adjusted

gross income an amount equal to one hundred percent of such costs the taxpayer paid during the taxable year.

4. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

5. The provisions of this section shall apply to all tax years beginning on or after January 1, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Days and Barnitz.

Senator Scott offered SA 1 to SA 6, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6**

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 5, Section 143.1014, Line 14, by adding after the word "public" the words: "or private".

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 1 to SA 6** was withdrawn.

Senator Scott offered **SA 2 to SA 6**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 5, Section 143.1014, Line 14, by adding after the word “public” the words: “or private”.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Nodler, **SB 590** with **SCS, SS** for **SCS, SA 6** and **SA 2 to SA 6** (pending) was placed on the Informal Calendar.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 991** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1023—By Gibbons, Crowell, Koster, Bartle and Bray.

An Act to repeal section 650.055, RSMo, and to enact in lieu thereof two new sections relating to exoneration using DNA testing, with penalty provisions.

SB 1024—By Koster.

An Act to repeal sections 513.600, 513.605, 513.607, 513.610, 513.612, 513.615, 513.617, 513.620, 513.623, 513.625, 513.630, 513.635, 513.637, 513.640, 513.645, 513.647, 513.649,

513.651, and 513.653, RSMo, and to enact in lieu thereof twenty-five new sections relating to criminal forfeiture reform, with penalty provisions.

SB 1025—By Koster.

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof two new sections relating to compensation for sheriffs and deputy sheriffs.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Jeff and Robin Brady and their children, Heidi, Tiffany, Brianna, Katelyn, Timothy, Amanda and Caleb, Farmington; and Timothy and Amanda were made honorary pages.

On behalf of Senators Shields, Klindt and herself, Senator Ridgeway introduced to the Senate, leadership and members of the Northland Regional Chamber of Commerce, Clay and Platte Counties.

On behalf of Senator Dougherty and himself, Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Timothy J. McCann, M.D., and his daughters, Erin and Meghan, St. Louis; and Erin and Meghan were made honorary pages.

Senator Cauthorn introduced to the Senate, Mike Lichtenberg, Montgomery City; Margo and Bob Smith, Independence; and Ben Steinman, Mexico.

Senator Champion introduced to the Senate, Orlando Hodges, John B. Harms, Ph.D. and Art L. Spisak, Ph.D., Springfield.

On behalf of Senators Coleman, Dougherty and himself, Senator Kennedy introduced to the Senate, Joe Mokwa, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY–WEDNESDAY, FEBRUARY 8, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1005-Stouffer	SB 1016-Gross
SB 1006-Goodman, et al	SB 1017-Clemens
SB 1007-Goodman and Days	SB 1018-Kennedy and Mayer
SB 1008-Klindt	SB 1019-Alter and Gross
SB 1009-Klindt	SB 1020-Vogel
SB 1010-Wheeler	SB 1021-Dougherty, et al
SB 1011-Wheeler	SB 1022-Dougherty, et al
SB 1012-Wheeler	SB 1023-Gibbons, et al
SB 1013-Crowell	SB 1024-Koster
SB 1014-Scott and Gibbons	SB 1025-Koster
SB 1015-Kennedy	

SENATE BILLS FOR PERFECTION

SJR 26-Ridgeway and Graham	SB 583-Griesheimer and Alter, with SCS
SBs 858 & 868-Shields, with SCS	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 590-Nodler and Champion, with SCS, SS for SCS, SA 6 & SA 2 to SA 6 (pending)	SB 690-Champion, with SCS
SB 645-Griesheimer	SB 773-Cauthorn and Barnitz, with SCS
SB 689-Scott	SB 849-Mayer, et al

CONSENT CALENDAR**Senate Bills****Reported 2/2**

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 808-Ridgeway
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 691-Champion
SB 678-Gross
SB 630-Gross, with SCS

SB 805-Gross
SB 612-Engler
SB 646-Griesheimer, with SCS
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross
SB 791-Mayer and Kennedy
SB 871-Coleman

RESOLUTIONS**Reported from Committee**

SCR 25-Cauthorn, with SCS
SCR 24-Scott, with SCS

SCR 22-Champion

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Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 8, 2006

The Senate met pursuant to adjournment.

Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“He made of one every nation of men to dwell on the face of the earth, having determined their appointed seasons, and the bounds of their habitation.” (Acts 17:26)

Absent with leave—Senators

Graham Loudon—2

Almighty God, You meet us in history as well as our daily lives so that we might know and be able to discern the signs of our time by studying the past. Help us to have eyes to see so that we might be humbled by Your power and thereby know what real power is and how we are to use ours so to make the lives of others better. In Your Holy Name we pray. Amen.

Vacancies—1

Senator Shields announced that members of the Missouri State Highway Patrol were given permission to enter the Chamber with side arms.

RESOLUTIONS

The Pledge of Allegiance to the Flag was recited.

Senator Champion offered Senate Resolution No. 1971, regarding Taylor Moore, Springfield, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Vogel offered Senate Resolution No. 1972, regarding the Ninetieth Birthday of Royal Gordon Kallenbach, Eldon, which was adopted.

The Journal of the previous day was read and approved.

Senator Kennedy offered Senate Resolution No. 1973, regarding Bradley M. Morrison, St. Louis, which was adopted.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason

Senator Kennedy offered Senate Resolution No. 1974, regarding Integrity Systems, Limited, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1975, regarding Officer Larry Davis, Saint Louis,

which was adopted.

Senator Crowell offered Senate Resolution No. 1976, regarding Vaughn Prost and Pam McCutchen, which was adopted.

Senator Crowell offered Senate Resolution No. 1977, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert E. Thompson, Oak Ridge, which was adopted.

Senator Scott offered Senate Resolution No. 1978, regarding Vernon Snow, Pittsburg, which was adopted.

Senator Scott offered Senate Resolution No. 1979, regarding Leonard Rexroad, Fair Play, which was adopted.

Senator Purgason offered Senate Resolution No. 1980, regarding the Eighty-fourth Birthday of Gene Clay, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1981, regarding the Fifty-third Wedding Anniversary of Mr. and Mrs. Clyde Hart, Phillipsburg, which was adopted.

Senator Purgason offered Senate Resolution No. 1982, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Mark Segebarth, Lebanon, which was adopted.

Senator Kennedy offered Senate Resolution No. 1983, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Harold William Guehring, Valley Park, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1026—By Cauthorn.

An Act to repeal sections 42.014 and 42.015, RSMo, and to enact in lieu thereof two new sections relating to veterans' programs.

SB 1027—By Mayer.

An Act to amend chapter 387, RSMo, by

adding thereto one new section relating to rates and charges of motor common carriers of household goods.

SB 1028—By Bartle.

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof two new sections relating to controlled substances, with penalty provisions.

SB 1029—By Coleman.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

SB 1030—By Bartle.

An Act to repeal section 570.223, RSMo, and to enact in lieu thereof three new sections relating to telephone call logs, with penalty provisions.

CONCURRENT RESOLUTIONS

Senator Crowell offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, the use of low income housing tax credits has grown significantly over the past several years; and

WHEREAS, low income housing tax credits pose a significant liability to the state, and the costs associated with tax credits are not reflected in the state's budget; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the formation of tax laws that lead in part to expansion of tax credits; and

WHEREAS, the current General Assembly has proposed several new tax credit programs that would lead to further depletion of general revenue funds; and

WHEREAS, the General Assembly must monitor low income housing tax credits in order to prepare the budget of the state accurately:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Low Income Housing Tax Credits; and

BE IT FURTHER RESOLVED that the committee shall be composed of three majority members and two minority members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority members and two minority members of the

House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the committee shall conduct a comprehensive analysis of Missouri's Low Income Housing Tax Credit, explore alternative methods employed by other states, and examine any other issues that the committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of tax credits; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable and may solicit from the Department of Revenue any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof, and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2007, and the authority of such committee shall terminate on December 31, 2006; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Director of the Department of Revenue.

Senator Crowell offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the Lewis and Clark Expedition is about President Thomas Jefferson's dream, the planning and preparation required for an early 19th-century military expedition, and then finally about the journey itself; and

WHEREAS, the Mississippi River portion of the expedition was the proving ground for handling the keelboat and pirogues upstream on the way to St. Louis, Missouri, Wood River, Illinois, and St. Charles, Missouri in preparation for their assault on the Missouri River; and

WHEREAS, members of the Lewis and Clark Expedition comprising the Corps of Discovery, became residents of the Upper Louisiana Territory and its successor the Missouri Territory after their return. Both Meriwether Lewis and William Clark served as Governors of the Upper Louisiana Territory while other members

of the expedition resided in the territory; and

WHEREAS, members of the Missouri Delegation would support members of the Kentucky Delegation, the primary sponsor of legislation before Congress, which would have amended the National Trails System Act by extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or the return phase of the expedition; and

WHEREAS, members of the Kentucky Delegation will introduce legislation calling for a feasibility study on extending the Lewis and Clark National Historic Trail to the east; and

WHEREAS, the Lewis and Clark Trail Heritage Foundation supports recognition of a continuous trail across the country on the National Park Service's official trail map and the right to post the official trail signs - Two Captains Pointing the Way - which are posted throughout the West; and

WHEREAS, the extension of the Lewis and Clark National Historic Trail from coast to coast would complete the story and expose a broader base of Americans to the educational and cultural aspects of the expedition; and

WHEREAS, the Lewis and Clark Trail Heritage Foundation believes that the status quo does not adequately recognize Monticello, the home of Thomas Jefferson where he dreamed his vision for America, Washington D.C., where he shared his dream with Meriwether Lewis, or a variety of other significant places throughout the Eastern Legacy states; and

WHEREAS, the Lewis and Clark Trail Heritage Foundation partners with the National Park Service, the Bureau of Land Management and the Forest Service in caring for the Lewis and Clark National Historic Trail and also supports scholarship, educational efforts, and research on the expedition:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby support and urge the Missouri Congressional Delegation to support legislation calling for federal approval of extension of the Lewis and Clark National Historic Trail; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

Senator Champion moved that **SCR 22** be taken up for adoption, which motion prevailed.

On motion of Senator Champion, **SCR 22** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 645** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Griesheimer, **SB 645** was declared perfected and ordered printed.

SJR 26 was placed on the Informal Calendar.

Senator Shields moved that **SB 858** and **SB 868**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 858** and **868**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 858 and 868

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the healthcare technology fund, with an emergency clause.

Was taken up.

Senator Shields moved that **SCS** for **SBs 858** and **868** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for

Senate Bills Nos. 858 and 868, Page 2, Section 191.990, Line 23, by inserting after all of said line the following:

“3. It is hereby declared to be the policy of the state of Missouri that funds from the Healthcare Technology Fund shall not be expended for political purposes and shall not be expended to the financial benefit of any elected public official or any candidate for public office. No moneys in the Healthcare Technology Fund shall be appropriated or expended for products or services provided by any business or corporation:

(1) At least one-half of one percent of which is beneficially owned by any elected public official or any candidate for public office;

(2) Which has a director who is an elected public official or a candidate for public office; or

(3) Which has an executive officer or executive manager who is an elected public official or a candidate for public office.

4. For purposes of this section, the following terms shall have the following meanings:

(1) “Elected public official or a candidate for public office”, means a person who holds an elected public office in a municipality, a county government, a state government, or the federal government, or any person who has filed as a candidate for any such elected public office, and the spouse of either such person, and any relative within one degree of consanguinity or affinity of either such person;

(2) “Executive officer or executive manager”, means any person who is a chairman, vice chairman, chief executive officer, chief financial officer, other chief officer, president, any level of vice president, or any other officer or manager who has executive level management duties and reports directly to the directors or to any chairman, chief officer or president of the business or corporation.

5. Any amounts appropriated or expended from the Healthcare Technology Fund in violation of this section shall be remitted by the payee to the fund with interest paid at the rate of one percent per month. The attorney general is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, obtaining an order for injunction from a court of competent jurisdiction to stop payments from being made from the fund in violation of this section.”;

And further amend all subsequent subsection identifiers accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Shields offered **SA 1 to SA 1:**

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 858 and 868, Page 1, Line 7, by striking the words “or any candidate for public office” and insert in lieu thereof the following:

“who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend lines 12 to 13 by striking the words “or any candidate for public office” and insert in lieu thereof the following:

“who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend line 15 by striking the words “or a candidate for public office” and insert in lieu thereof the following:

“who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend lines 17 to 18 by striking the words “or a candidate for public office” and insert

in lieu thereof the following:

“who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend lines 21 to 22 by striking the words “or a candidate for public office”; and

further amend lines 24 to 25 by striking the words “or any person who has filed as a candidate for any such elected public office.”.

Senator Shields moved that the above amendment be adopted.

Senator Shields offered **SSA 1 for SA 1 to SA 1:**

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 858 and 868, Page 1, Line 7, by striking the words “or any candidate for public office” and insert in lieu thereof the following:

“or any state employee who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend lines 12 to 13 by striking the words “or any candidate for public office” and insert in lieu thereof the following:

“or any state employee who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend line 15 by striking the words “or a candidate for public office” and insert in lieu thereof the following:

“or any state employee who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend lines 17 to 18 by striking the words “or a candidate for public office” and insert in lieu thereof the following:

“or any state employee who has direct decision-making or administrative authority over disbursements from the fund”; and

further amend lines 21 to 22 by striking the words “or a candidate for public office”; and insert in lieu thereof the following: **“or any state employee”;** and

further amend lines 24 to 25 by striking the words “or any person who has filed as a candidate for any such elected public office,”; and insert in lieu thereof the following: **“or any state employee,”**.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 858 and 868, Page 2, Section 191.990, Line 26, by striking from said line the word “transfers,”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 858 and 868, Page 2, Section 191.900, Line 29, by inserting immediately after all of said line, the following:

“5. The department of social services shall promulgate rules setting forth the procedures and methods of implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in

this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 858 and 868, Page 2, Section 191.990, Line 23, by inserting after all of said line the following:

“3. At least twenty-five percent of the funds annually disbursed shall be dedicated to technological upgrades and promotion of technological advances in accordance with subsection 2 of this section in areas where access to health care is inadequate or under-served.”; and

further renumber the remaining subsections accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Barnitz, **SA 4** was withdrawn.

Senator Barnitz offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 858 and 868, Page 2, Section 191.990, Line 23, by inserting after all of said line the following:

“3. At least twenty-five percent of the funds annually disbursed shall be dedicated to technological upgrades and promotion of technological advances in accordance with subsection 2 of this section in medically underserved communities and populations.”; and

further renumber the remaining subsections accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SCS** for **SBs 858** and **868**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SBs 858** and **868**, as amended, was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Crowell.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 645** and **SCS** for **SBs 858** and **868**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 646**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the

provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 691**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 791**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 808**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 871**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1005—Aging, Families, Mental and Public Health.

SB 1006—Ways and Means.

SB 1007—Financial and Governmental Organizations and Elections.

SB 1008—Agriculture, Conservation, Parks and Natural Resources.

SB 1009—Agriculture, Conservation, Parks and Natural Resources.

SB 1010—Judiciary and Civil and Criminal Jurisprudence.

SB 1011—Judiciary and Civil and Criminal Jurisprudence.

SB 1012—Judiciary and Civil and Criminal Jurisprudence.

SB 1013—Judiciary and Civil and Criminal Jurisprudence.

SB 1014—Financial and Governmental Organizations and Elections.

SB 1015—Aging, Families, Mental and Public Health.

SB 1016—Ways and Means.

SB 1017—Agriculture, Conservation, Parks and Natural Resources.

SB 1018—Financial and Governmental Organizations and Elections.

SB 1019—Judiciary and Civil and Criminal Jurisprudence.

SB 1020—Commerce, Energy and the Environment.

SB 1021—Pensions, Veterans' Affairs and General Laws.

SB 1022—Pensions, Veterans' Affairs and General Laws.

SB 1023—Judiciary and Civil and Criminal Jurisprudence.

SB 1024—Judiciary and Civil and Criminal Jurisprudence.

SB 1025—Economic Development, Tourism and Local Government.

COMMUNICATIONS

Senator Shields submitted the following:

February 8, 2006

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Pershing Gallery. All members present voted to unanimously approve the 93rd General Assembly's Senate Pro-Life Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie
Charlie Shields

Pro-Life Caucus:

Senator Delbert Scott, Chair	Senator Bill Alter
Senator Matt Bartle	Senator John Cauthorn
Senator Norma Champion	Senator Dan Clemens
Senator Kevin Engler	Senator Jack Goodman
Senator John Griesheimer	Senator Chuck Gross
Senator David Klindt	Senator Chris Koster
Senator John Loudon	Senator Robert Mayer
Senator Gary Nodler	Senator Chuck Purgason
Senator Luann Ridgeway	Senator Charlie Shields
Senator Bill Stouffer	Senator Carl Vogel
Senator Victor Callahan	Senator Harry Kennedy
Senator Frank Barnitz	

Also,

February 8, 2006

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Pershing Gallery. All members present voted to unanimously approve the 93rd General Assembly's 4-H and FFA Caucus.

A list of members is attached.

Sincerely,
/s/ Charlie
Charlie Shields

4-H and FFA Caucus:

Bill Stouffer 21
 Kevin Engler 3
 Robert N. Mayer 25
 John E. Griesheimer 26
 Delbert L. Scott 28
 Gary Nodler 32
 Jack A.L. Goodman 29
 Carl M. Vogel 6
 Charlie Shields 34
 Luann Ridgeway 17
 Maida J. Coleman 5
 John Loudon 7
 Sara Lampe 138
 Ed Emery 126
 Lanie G. Black 161
 David Pearce 121
 Mike Cunningham 145
 Ward Franz 151
 Mike Dethrow 153
 Mike McGhee 122
 Mike Parson 133
 Steve Hunter 127
 Peter Myers 160
 Jason Brown 30
 Michael Brown 50
 Jim Whorton 3
 Michael Vogt 66
 Joe Aull 26
 Terry Swinger 162
 Brad Robinson 107
 Rachel Bringer 6
 Brian Munzlinger 1

Chuck Graham 19
 Dan Clemens (R)
 Frank A. Barnitz 16
 David G. Klindt 12
 Chuck Purgason 33
 John Cauthorn 18
 Harry Kennedy 1
 John Quinn 7
 Kenny Jones 117
 Darrell Pollock 146
 Kathy L. Chinn 8
 Tom Loehner 112
 David Day 148
 Bob Nance 36
 Mark Wright 137
 Tim Flook 34
 Jason Smith 150
 Bob May 149
 Rex Rector 124
 Billy Pat Wright 159
 Barney Fisher 125
 Maynard Wallace 143
 Rod Jetton 156
 David Sater 68
 Chuck Gross 23
 Jason Crowell 27
 Bill Alter 22
 Michael G. Corcoran 77
 Trent Skaggs 31
 Jane Bogetto 94
 Ed Wildberger 27

Also,

February 8th, 2006
 Ms. Terry Spieler
 Secretary of the Senate
 State Capitol, Office 325
 Jefferson City, MO 65101
 Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved

the 93rd General Assembly's Senate Republican Caucus at the January 6th, 2005 meeting.

Please add the following member to the caucus:

- Senator Bill Alter

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 93rd General Assembly's Senate Democratic Caucus at the January 6th, 2005 meeting.

Please add the following member to the caucus:

- Senator Frank Barnitz

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 93rd General Assembly's Friends of the 20th Senate District Caucus at the January 13, 2005 meeting.

Please add the following member to the caucus:

- Senator Jack Goodman

Sincerely,

/s/ Charlie

Charlie Shields

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Kathy, Ben and Caroline Hart and Nick Niehaus, St. Charles; and Scott Parkman, Robert Pound and members of the St. Louis Symphony Youth Orchestra.

Senator Coleman introduced to the Senate, the Physician of the Day, Dr. Linda Tsai, O.D., St. Louis.

Senator Shields introduced to the Senate, Scout leaders from across the state participating in the "Boy Scout Report to the State" Program.

Senator Shields introduced to the Senate, members of the Missouri State Highway Patrol.

On behalf of Senator Vogel and himself, Senator Shields introduced to the Senate, Scout Keegan Stone, representing the Great Rivers Council, Fulton.

On behalf of Senator Graham and himself, Senator Shields introduced to the Senate, Scout Aaron Wood, representing the Great Rivers Council, Columbia.

On behalf of Senator Loudon and himself, Senator Shields introduced to the Senate, Scout George Thampy, representing the Greater St. Louis Area Council, St. Louis.

On behalf of Senator Gibbons and himself, Senator Shields introduced to the Senate, Scout Jessica Holland, representing the Greater St. Louis Area Council, St. Louis.

Senator Shields introduced to the Senate, Scout Phillip Raine, representing the Heart of America Council, Parkville.

On behalf of Senator Wheeler and himself, Senator Shields introduced to the Senate, Scout Nick Light, representing the Heart of America Council, Kansas City.

On behalf of Senator Champion and himself, Senator Shields introduced to the Senate, Scout Justin Haseltine, representing the Ozark Trails Council, Springfield.

On behalf of Senator Clemens and himself, Senator Shields introduced to the Senate, Scout David Taylor, representing the Ozark Trails Council, Ozark.

On behalf of Senator Klindt and himself, Senator Shields introduced to the Senate, Scout Christopher Thomas, representing the Pony Express Council, St. Joseph.

Senator Shields introduced to the Senate, Scout Joseph Mausolf, representing the Pony Express Council, St. Joseph.

Senator Coleman introduced to the Senate, Ebonee' Ali, Lamont Anderson, Louis Chatman, Stephanie Cheeks, Gabrielle Fields, James Jordan, Antoinette Oden, Anthony Richie, Cherrell Sipes and Kris Wells, St. Louis.

Senator Barnitz introduced to the Senate, Ben Main, Sandra Anderson, Patsy Hambelton, and Barbara Luna, Gainesville; Jillian Dent and Jan Troester, Lee's Summit North; Kasey Holdinghausen and Teresa Harmon, Crystal City; and Bryce Gaylord and Jennifer Schlender, GreenRidge; Ashley Bishop and Cathy Dailey, Wellsville-Middletown; officers of Future Business Leaders of America; and Leslie Kerns, State Advisor.

Senator Scott introduced to the Senate, Vicki Hillsman, Cody Eck, Bobbi Brown, Tyler Hillsman, Whitney Brower, Marta Mackey, Mandi Sutton, Sydney Friar and Shelby Freeman, El Dorado Springs.

On behalf of Senator Gross, the President introduced to the Senate, Shannon McCoy, St. Charles.

On behalf of Senator Klindt and himself, Senator Cauthorn introduced to the Senate, Jim Anderson and Gary Webb, Ludlow.

Senator Nodler introduced to the Senate, Kim Rogers and Erica Little, Joplin.

On behalf of Senator Gross, the President introduced to the Senate, Heather Fogerty, Ashley Minert, Kelly Cossey, Stephanie Frumme, Jackie Lynch, Alissa Frain and Kristin Landry, St. Charles.

Senator Griesheimer introduced to the Senate, David Anderson and Don Sibole, Washington.

Senator Ridgeway introduced to the Senate, Henry San and Jack Chen, Kansas City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 9, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1026-Cauthorn
SB 1027-Mayer
SB 1028-Bartle

SB 1029-Coleman
SB 1030-Bartle

THIRD READING OF SENATE BILLS

SB 645-Griesheimer

SCS for SBs 858 & 868-Shields

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 590-Nodler and Champion, with SCS, SS
for SCS, SA 6 & SA 2 to SA 6 (pending)
SB 689-Scott
SB 690-Champion, with SCS

SB 773-Cauthorn and Barnitz, with SCS
SB 849-Mayer, et al
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott

SB 828-Scott
SB 678-Gross
SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler

SB 712-Scott
SB 802-Shields, with SCS

SB 648-Champion
SB 677-Gross

RESOLUTIONS

Reported from Committee

SCR 25-Cauthorn, with SCS

SCR 24-Scott, with SCS

To be Referred

SCR 26-Crowell

SCR 27-Crowell

✓

Journal

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 9, 2006

The Senate met pursuant to adjournment.

Stouffer

Vogel

Wheeler

Wilson—32

Senator Scott in the Chair.

Absent—Senators—None

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senator Loudon—1

“For the joy of the Lord is your strength.” (Nehemiah 8:10b)

Vacancies—1

O Lord our God, we know that You have created us to be happy, to know the true joy that comes only from You. Make us a partaker of Your joy as we help to make those You have given us happy. Let us share that joy with those we meet this weekend and give You praise in Your house of prayer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1984, regarding Christopher Robert Henquinet, Kirkwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1985, regarding Diana Lineberger, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1986, regarding Joyce Franklin, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1987, regarding Kimberly White, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1988, regarding Steven Tomey, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1989, regarding Glen Deutsch, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1990, regarding Johnny Mac's Sporting Goods, which was adopted.

Senator Nodler offered Senate Resolution No. 1991, regarding the death of Carol "Sue" Robertson, Joplin, which was adopted.

Senator Green offered Senate Resolution No. 1992, regarding the Fiftieth Anniversary of the Florissant Valley Jaycees, which was adopted.

Senator Goodman offered Senate Resolution No. 1993, regarding Joanna Bellis, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1994, regarding John Cowherd, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1995, regarding the Mount Vernon R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1996, regarding Justin Bennett, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1997, regarding Clara Lewis, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1998, regarding Les Crider, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1999, regarding Jackie Pennington, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 2000, regarding Chris Earnest, Mount Vernon, which was adopted.

Senator Klindt offered Senate Resolution No. 2001, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Barnes, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 2002, regarding Brent Applebury, which was adopted.

Senator Shields offered Senate Resolution No. 2003, regarding Russell E. Utter, Jr., which was adopted.

Senator Shields offered Senate Resolution No. 2004, regarding Zachary Dale Overfelt, which was adopted.

Senator Shields offered Senate Resolution No. 2005, regarding Austin Thomas Jacobs, which was adopted.

Senator Shields offered Senate Resolution No. 2006, regarding Clinton Thomas deMontel, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1031—By Klindt.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

SB 1032—By Cauthorn.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

SB 1033—By Kennedy.

An Act to repeal section 86.254, RSMo, and to enact in lieu thereof one new section relating to compensation for special advisors for the police retirement board.

SB 1034—By Green.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to the licensing of professional counselors.

SB 1035—By Mayer.

An Act to repeal section 409.107, RSMo, and to enact in lieu thereof one new section relating to law firm and investment firm contributions in support of general bond elections.

SB 1036—By Mayer.

An Act to repeal sections 306.010, 306.100, 306.132, and 306.221, RSMo, and to enact in lieu thereof four new sections relating to the regulation of watercraft, with penalty provisions.

SB 1037—By Mayer.

An Act to repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to the public drinking water primacy fee.

SB 1038—By Mayer.

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to state parks.

SB 1039—By Bray and Scott.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to eliminating the annual state of the state transportation address.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 559**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 558**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee

on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 820**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 614**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 746**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 825**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 881**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 832**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 575** and **SB 714**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 900**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 765**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 588**, **SB 557**, **SB 579**, **SB 563**, **SB 869**, **SB 619**, **SB 570**, **SB 753**, **SB 764**, **SB 782**, **SB 783** and **SB 890**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 584**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 618**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 580**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 650**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 656**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 679**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 644**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 666**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 629**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 840**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 908**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 909**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott assumed the Chair.

THIRD READING OF SENATE BILLS

SB 645, introduced by Senator Griesheimer, entitled:

An Act to repeal section 100.710, RSMo, and to enact in lieu thereof one new section relating to the Missouri business use incentive for large-scale development act.

Was taken up.

On motion of Senator Griesheimer, **SB 645** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Graham	Loudon—2
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Vacancies—1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SCS for SBs 858 and 868 entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858 and 868**

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the healthcare technology fund, with an emergency clause.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS for SBs 858 and 868** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Griesheimer
Kennedy	Klindt	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senator Green—1

Absent—Senator Gross—1

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Crowell moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Emily S. Kiddoo, Rural Route 2 Box 54A, Memphis, Scotland County, Missouri 63555, as student representative of Truman State University Board of Governors, for a term ending December 31, 2007 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Steven L. Bruce, 502 West 2nd Street, Fair Play, Polk County, Missouri 65649, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2008, and until his successor is duly appointed and qualified; vice, Gary Toelke, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian D. Dunlop, 314 West Jackson, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until his successor is duly appointed and qualified; vice, Peter Schloss, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sarah R. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Sarah R. Murray, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John F. Smith, 2709 Headland Drive, Saint Charles, Saint

Charles County, Missouri 63301, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2010, and until his successor is duly appointed and qualified; vice, James F. Mauze, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Craig Westfall, 4671 Highway H, Half Way, Polk County, Missouri 65663, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Craig Westfall, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David C. Zimmermann, Democrat, 5 River Cover, Crystal City, Jefferson County, Missouri 63019, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2010, and until his successor is duly appointed and qualified; vice, David Zimmermann, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of

Boiler and Pressure Vessel Rules, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice Francis G. Slack, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Miller M. Leonard, Republican, 1817 4th Street, Platte City, Platte County, Missouri 64079, as a member of the Public Defender Commission, for a term ending December 30, 2011 and until his successor is duly appointed and qualified; vice, Miller M. Leonard, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Don L. Warner, 601 German Court, Post Office Box 781, Rolla, Phelps County, Missouri 65401, as a member of the Board of Geologist Registration, for a term ending April 11, 2007, and until his successor is duly appointed and qualified; vice, Cynthia Brookshire, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martin J. Struckhoff, 5920 Highway 94 South, Augusta, Saint Charles County, Missouri 63332, as a member of the Missouri

Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2009, and until his successor is duly appointed and qualified; vice, Charlotte Connell, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Philip T. Treacy, 12961 Musket Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2008, and until his successor is duly appointed and qualified; vice, Tjistske Tubbergen-Maglio, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dwight E. Diehl, 19225 Cleveland, Belton, Cass County, Missouri 64012, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2008, and until his successor is duly appointed and qualified; vice, Richard Hill, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Henry T. Herschel, 2070 Honeysuckle Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State

Public Employees Deferred Compensation Commission, for a term ending November 30, 2007, and until his successor is duly appointed and qualified; vice, Richard Hanson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph J. Frank, 9933 Hilltop Drive, Sunset Hills, Saint Louis County, Missouri 63128, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip W. McClendon, 6445 Park Circle, Joplin, Jasper County, Missouri 64801, as a member of the State Mental Health Commission, for a term ending June 28, 2008, and until his successor is duly appointed and qualified; vice, Clifford Sargeon, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher L. Davis, 1430 Hamilton, Saint Louis City, Missouri 63112, as student representative of Southeast Missouri State University Board of Regents, for a term ending December 31,

2007 and until his successor is duly appointed and qualified; vice, India Jeffery, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SCR 26** and **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 590**, with **SCS, SS for SCS, SA 6** and **SA 2 to SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 to SA 6 was again taken up.

At the request of Senator Scott, the above amendment was withdrawn.

SA 6 was again taken up.

Senator Nodler offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 26, Section 174.500, Line 27, by inserting after all of said line, the following:

“Section 1. 1. The coordinating board for higher education shall study the fiscal implications of providing a tax deduction for higher education tuition and fee expenses for those persons earning less than one hundred thousand dollars annually.

2. The coordinating board shall report to the general assembly no later than January 1, 2007, regarding its findings regarding subsection 1 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above substitute amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SSA 1** for **SA 6** and was joined in his request by Senators Barnitz, Callahan, Days and Wilson.

SSA 1 for **SA 6** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Engler
Gibbons	Goodman	Griesheimer	Klindt
Koster	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Vogel—16

NAYS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Crowell	Days	Dougherty
Green	Gross	Kennedy	Ridgeway
Wheeler	Wilson—14		

Absent—Senator Clemens—1

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

Senator Scott assumed the Chair.

Senator Coleman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 26, Section 174.500, Line 27, by inserting immediately after said line the following:

“Section 1. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) “Board”, the coordinating board for higher education;

(2) “Books”, any books required for any course for which tuition was paid by a grant awarded pursuant to this section;

(3) “Grant”, the war veteran's survivors grant as established in this section;

(4) “Institution of postsecondary education”, any approved Missouri public institution of postsecondary education, as defined in section 173.205;

(5) “Survivor”, a child or spouse of a war veteran;

(6) “Tuition”, any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state;

(7) “War veteran”, a person who served in the military during a time of war and to whom the following criteria shall apply:

(a) The veteran was a Missouri resident when first entering the military service and at the time of death; and

(b) The veteran dies as a result of combat action or the veteran's death was certified by a Veterans' Administration medical authority to be attributable to an illness that was contracted while serving in combat.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of war veterans to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as certain standards of academic performance, as determined by the coordinating board for higher education, continue to be achieved. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant pursuant

to this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of academic performance in order for a survivor to remain eligible to receive a grant under this section;

(3) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

6. In order to be eligible to receive a grant pursuant to this section, a survivor shall be certified as eligible by the Missouri veterans' commission. In the case of an illness-related death, such certification shall be made upon qualified medical certification by a Veterans' Administration medical authority that the illness was both a direct result of the veteran's combat service and a substantial factor in the

cause of the resulting death of the veteran.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed half of the survivor's actual tuition;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an

institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically qualified surviving spouse or children of war veterans. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 26, Section 174.500, Line 27, of said page, by inserting after all of said line the following:

“178.870. Any tax imposed on property subject to the taxing power of the junior college district under article X, section 11(a) of the Missouri Constitution without voter approval shall not exceed the annual rate of ten cents on the hundred dollars assessed valuation in districts having one billion [five] **seven** hundred **fifty** million dollars or more assessed valuation; twenty cents on the hundred dollars assessed valuation in districts having [seven hundred fifty million] **one billion** dollars but less than one billion [five] **seven** hundred **fifty** million dollars assessed valuation; thirty cents on the hundred dollars assessed valuation in districts having [five] **seven** hundred **fifty** million dollars but less than [seven hundred fifty million] **one billion** dollars assessed valuation; forty cents on the hundred dollars assessed valuation in districts having less than [five] **seven** hundred **fifty** million dollars assessed valuation; except that, no public junior college district having an assessed valuation in excess of one hundred million and less than two hundred fifty million which is levying an operating levy of thirty cents per one hundred dollars assessed

valuation on September 28, 1975, shall increase such levy above thirty cents per one hundred dollars assessed valuation without voter approval. Tax rates specified in this section that were in effect in 1984 shall not be lowered due to an increase in assessed valuation created by general reassessment; however, the provisions of section 137.073, RSMo, or section 22(a) of article X of the Missouri Constitution are applicable. Districts which operate institutions awarding degrees above the associate degree shall not be affected by the changes provided in this section. Increases of the rate with voter approval shall be made in the manner provided in chapter 164, RSMo, for school districts.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section A, Line 5, by inserting after all of said line, the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program

grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any

waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. **Within the limits established in subsection 8 of this section,** the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any [public community college or vocational or technical school] **private vocational or technical school, or any approved public institution or approved private institution, as such terms are defined in Section 173.205, RSMo,** for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this

subsection as determined by rule and regulation of said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. The following requirements must be satisfied in order for private vocational or technical schools to obtain reimbursements under subsection 6 of this section:

(1) Such institutions must be members of the north central association and be accredited by the higher learning commission;

(2) Such institutions must be designated as 501(c)(3) not-for-profit organizations under the Internal Revenue Code;

(3) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college; and

(4) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri constitution or the first amendment of the United States constitution.

9. The department of elementary and secondary education shall ensure that no student receives any reimbursement pursuant to this section if the student or the student's parents had a combined Missouri adjusted gross income in excess of two hundred fifty thousand dollars during the previous tax year.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Champion offered **SA 1** to **SA 9**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 9**

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 4, Section 160.545, by striking all of the underlined language and all of the brackets on said page; and further amend said bill, pages 5 and 6, by striking subsection 8 from said pages, and renumber the remaining subsection accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

SA 9, as amended, was again taken up.

Senator Ridgeway requested a roll call vote be taken on the above amendment. She was joined in her request by Senators Callahan, Gross, Shields and Wheeler.

Senator Shields offered **SA 2** to **SA 9**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 9**

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 6, Section 160.545, Line 4, by inserting the word “**independent**” after the first “the” and inserting the word “**dependent**” after the second “the”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

SA 9, as amended, was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Champion
Clemens	Coleman	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway

Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—26		

NAYS—Senators

Barnitz	Callahan	Cauthorn	Dougherty—4
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Absent—Senator Crowell—1

Absent with leave—Senators

Graham	Loudon—2
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Vacancies—1

Senator Nodler moved that **SS** for **SCS** for **SB 590**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SB 590**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 2007

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
5	Staff Attorney II	3,151 - 4,654
3	Research Analyst IV	3,151 - 4,654
1	Investigator	2,923 - 4,281
4	Research Staff Secretary	2,437 - 3,463
5	Budget Research Analyst III	3,340 - 4,855
1	Budget Staff Secretary	2,437 - 3,463

3	Assistant Secretary of Senate	2,616 - 3,709
1	Enrolling & Engrossing Supervisor	2,616 - 3,709
2.5	Enrolling & Engrossing Clerk	2,161 - 3,037
1	Billroom Supervisor	2,161 - 3,037
1	Billroom Clerk	1,856 - 2,472
5	Public Information Specialist	2,161 - 3,473
1	Photographer	2,437 - 3,473
1	Administrative Assistant	1,600 - 5,823
1	Telecommunications Coordinator	2,715 - 3,863
2.5	Accounting Specialist	2,437 - 3,463
1	Human Resources Specialist	2,437 - 3,463
1	Office Assistance Supervisor	2,616 - 3,709
5.5	Administrative Secretary	2,616 - 3,709
3.5	Clerical Assistant	2,355 - 3,340
1	Messenger	1,713 - 2,265
3	Computer Info. Technology Spec. I	3,473 - 5,066
2	Computer Info. Technology Spec. II	4,025 - 5,762
1	Computer Info. Technology Spec. III	4,195 - 5,823
3	Computer Info. Technologist II	2,816 - 4,025
1	Network/Communications Specialist	3,473 - 5,066
2	Data Entry Operator III	1,960 - 2,667
1	Composing Equipment Operator III	2,089 - 3,151
0.5	Mailroom Supervisor	2,161 - 3,037
2	Printing Services Technician II	1,856 - 2,472
3	Printing Services Technician III	2,023 - 2,765
1	Maintenance Supervisor	2,273 - 3,151
1	Carpenter II	2,161 - 3,037
1	Maintenance Worker	1,856 - 2,472
0.5	Sergeant at Arms (Elected)	2,337 - 3,373
0.5	Doorkeeper (Elected)	1,451 - 2,172
3.5	Assistant Doorkeeper	1,521 - 1,916
0.5	Reading Clerk	1,521 - 1,916
0.5	Chaplain	857 - 1,133
0.5	Security Guard	1,500 - 2,615

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall

have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2007.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 7, 2006

The Honorable Michael R. Gibbons
President Pro Tem, Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

Please accept this letter as my official resignation as a member of the Joint Committee on Corrections.

Sincerely,

/s/ Timothy P. Green

Missouri State Senator
District 13

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Michael Lodewegen, Memphis.

Senator Koster introduced to the Senate, Brian Flood, Austin, Texas.

On behalf of Senator Bray and himself, Senator Kennedy introduced to the Senate, Robert and Ruby Davis, St. Louis.

On behalf of Senator Graham, the President introduced to the Senate, Elizabeth Choe, Columbia; and Elizabeth was made an honorary page.

Senator Nodler introduced to the Senate, Maureen Bowyer and Homeschoolers from Jasper and Newton Counties.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 13, 2006.

SENATE CALENDAR

TWENTY-SECOND DAY—MONDAY, FEBRUARY 13, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1026-Cauthorn	SB 1033-Kennedy
SB 1027-Mayer	SB 1034-Green
SB 1028-Bartle	SB 1035-Mayer
SB 1029-Coleman	SB 1036-Mayer
SB 1030-Bartle and Koster	SB 1037-Mayer
SB 1031-Klindt	SB 1038-Mayer
SB 1032-Cauthorn	SB 1039-Bray and Scott

SENATE BILLS FOR PERFECTION

- | | |
|---|--------------------------------|
| 1. SB 583-Griesheimer and Alter, with SCS | 7. SB 584-Champion |
| 2. SB 820-Koster, with SCS | 8. SB 596-Days |
| 3. SB 614-Stouffer & Goodman, with SCS | 9. SB 644-Shields |
| 4. SB 832-Griesheimer, with SCS | 10. SB 666-Engler,
with SCS |
| 5. SBs 575 & 714-Scott, et al, with SCS | 11. SB 629-Gross |
| 6. SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 689-Scott	SB 849-Mayer, et al
SB 690-Champion, with SCS	SJR 26-Ridgeway and Graham
SB 773-Cauthorn and Barnitz, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 825-Koster, et al, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS
SB 618-Koster

SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 656-Nodler
SB 679-Gross
SB 840-Stouffer
SB 908-Stouffer
SB 909-Stouffer

RESOLUTIONS

SR 2007-Shields

Reported from Committee

SCR 25-Cauthorn, with SCS

SCR 24-Scott, with SCS

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 13, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"For His loving kindness is great, and the faithfulness of the Lord endures forever." (Psalm 117)

Gracious Lord, we are thankful for You showing us Your loving kindness in watching our going out and our coming in. You bring us to this new week safely to pursue the work that is ahead of us. As we spend our time together and hear the testimony of others let us grow in wisdom so that our bills may reflect the stature You have laid before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 9, 2006 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 2008, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Pemberton, Iberia, which was adopted.

Senator Kennedy offered Senate Resolution No. 2009, regarding the One Hundredth Birthday of Mary Mikesch Hrdlicka, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2010, regarding the One Hundredth Birthday of Adolph Lohman, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2011, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Roger Bork, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 2012, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Sanders, Armstrong, which was adopted.

Senator Dougherty offered Senate Resolution No. 2013, regarding the One Hundred First Birthday of Mae Overton, Saint Louis, which was adopted.

Senator Shields offered Senate Resolution No. 2014, regarding Phillip Walters, St. Joseph, which was adopted.

Senator Barnitz offered Senate Resolution No. 2015, regarding Bill Hudson, Rolla, which was adopted.

Senator Champion offered Senate Resolution No. 2016, regarding the late Eugene A. Martin, Jr., Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2017, regarding David N. Appleby, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2018, regarding Carol D. Jones, CRS, Ozark, which was adopted.

Senator Champion offered Senate Resolution No. 2019, regarding Bill R. Foster, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2020, regarding Kenneth E. Meyer, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2021, regarding the late Clarence R. Wheeler, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2022, regarding Dr. Norman K. Myers, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2023, regarding Robert E. Roundtree, Sr., Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2024, regarding Mary Kay Meek, Springfield,

which was adopted.

Senator Champion offered Senate Resolution No. 2025, regarding James B. Anderson, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2026, regarding Patti A. Penny, Springfield, which was adopted.

Senator Wilson offered Senate Resolution No. 2027, regarding the Black Family Technology Association of Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 2028, regarding Mark W. Koechner, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 2029, regarding the death of Charles Joseph Weiss, which was adopted.

Senator Purgason offered Senate Resolution No. 2030, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Clay Wood, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2031, regarding the One Hundred First Birthday of Mayme Blickensderfer, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2032, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy Hawkins, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2033, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clyde Eilenstein, Lebanon, which was adopted.

Senator Nodler offered Senate Resolution No. 2034, regarding the One Hundredth Birthday of Ina May Six, Joplin, which was adopted.

Senator Engler offered Senate Resolution No. 2035, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clyde Coffman, Potosi, which was adopted.

Senator Engler offered Senate Resolution No.

2036, regarding the Honorable L.J. "Jim" Grillo, Linden, California, which was adopted.

Senator Engler offered Senate Resolution No. 2037, regarding James Maddox, which was adopted.

Senator Shields moved that **SR 2007** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 2007** was adopted.

Senator Griesheimer assumed the Chair.

CONCURRENT RESOLUTIONS

Senators Days and Nodler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

Relating to the naming of the George Washington Carver State Office Building.

WHEREAS, George Washington Carver was born into slavery near Diamond Grove, Missouri, sometime between July 1861 and January 1864. He was a sickly baby, soon orphaned when his mother was abducted by slave traders, and whose very survival beyond infancy defied the understanding and capabilities of the medical community at that time; and

WHEREAS, even absent a formal education, George Washington Carver's intellect and affinity for agriculture manifested themselves at an early age; and

WHEREAS, at the age of 11, George Washington Carver informed his caretakers that he was going to move to Neosho so he could attend the school for African-American children and that he would find a place where he could work in exchange for his board. He soon traveled to Neosho, alone, with nothing but the best of his rock collection, a clean shirt in a bundle slung over his shoulder, and a package of food under his arm; and

WHEREAS, by the end of 1876, George Washington Carver had learned everything the teacher at the school knew and everything in the books available to the school, and the teacher gave him a certificate of merit attesting to such fact; and

WHEREAS, George Washington Carver continued his education at various institutions in Kansas and Iowa, all the while taking whatever jobs allowed him to earn the money needed to continue his education, inspiring one professor to proclaim, "George Carver has come to us with a satchel full of poverty and a burning zeal to know everything"; and

WHEREAS, in 1896 Booker T. Washington pleaded with George Washington Carver to bring his intellect to Tuskegee

Institute, which was founded by Washington to provide a college education for African-Americans. Booker T. Washington had come to realize that, since 85 percent of southern African-Americans were farmers, Tuskegee's greatest need was an agriculture department. George accepted, knowing that the work would be hard and the financial reward minimal; and

WHEREAS, George Washington Carver stressed to Tuskegee's students and the region's farmers that soil conservation through diversification of crops and crop rotation was the key to reviving soil that had become unproductive due to the long-term cultivation of cotton; and

WHEREAS, George Washington Carver advocated the use of legumes to replace minerals depleted from the soil by cotton crops. He advised, "Plant peanuts. That'll keep the soil productive. And the boll weevils don't attack peanuts"; and

WHEREAS, solving the problem with unproductive soil resulted in an abundant peanut crop, which could not be marketed profitably and for which there was very little use or demand. George Washington Carver soon set about discovering nearly 300 valuable uses to which the peanut could be put. During his lifetime, peanut crops developed an annual value of \$200 million; and

WHEREAS, George Washington Carver went on to develop various paint, dyes, and medicinal treatments from peanuts, sweet potatoes, and soybeans. He even developed a synthetic rubber for Henry Ford derived from goldenrod; and

WHEREAS, George Washington Carver steadfastly refused to accept an increase in his \$125 a month salary at Tuskegee or offers of more lucrative positions, including one from Thomas Edison that reportedly paid \$100,000 a year. He also declined to patent most of his discoveries, believing that his intellect and industry were gifts from God that should be shared freely; and

WHEREAS, on July 14, 1943, a mere six months after his death, George Washington Carver's birthplace near Diamond Grove was designated as a national monument; and

WHEREAS, George Washington Carver popularized agricultural extension programs at American universities; can be acknowledged as the father of modern plant science; and is recognized as one of the greatest scientific minds in American history; and

WHEREAS, George Washington Carver overcame enormous prejudice and poverty in his struggle from being identified merely as "Carver's George" to becoming the world renowned George Washington Carver, B.S., M.S., D.Sc., Ph.D., Fellow of the Royal Society of Arts, London, and Director of Research and Experiment at Tuskegee Institute, Alabama; and

WHEREAS, George Washington Carver accomplished all of his many great deeds without a trace of bitterness, with total indifference to personal fortune, and thought only to make the world, America in particular, a better place for all mankind; and

WHEREAS, George Washington Carver, in his modesty,

once stated, "I am no great person. I am no great scientist. I have only been able to point the way in a few things. After me will come those who read and interpret the signs, the great of the world. I am only the trailblazer."

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate that the state office building located at 1616 Missouri Boulevard, Jefferson City, Missouri, shall hereinafter be known as the "George Washington Carver State Office Building"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution, and if approved, notify the Director of the Missouri Department of Agriculture.

Read 1st time.

INTRODUCTION OF BILLS

SB 1040—By Barnitz.

An Act to repeal sections 67.1401, 99.320, 99.805, 100.310, and 353.020, RSMo, and to enact in lieu thereof eight new sections relating to real estate.

SB 1041—By Gibbons.

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to obtaining, receiving and selling personal health information, with penalty provisions.

SB 1042—By Kennedy.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to assessment of real property.

SB 1043—By Coleman.

An Act to amend chapter 443, RSMo, by adding thereto seven new sections relating to predatory lending.

SB 1044—By Alter.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to the crime of failure to lower tinted windows, with a penalty provision.

SB 1045—By Goodman.

An Act to repeal section 516.090, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain actions involving land held by a public utility.

SB 1046—By Days.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the emancipation day commission.

SB 1047—By Loudon, Gibbons, Bartle, Cauthorn, Clemens, Shields, Vogel, Callahan, Dougherty, Ridgeway, Champion, Green, Alter, Engler, Nodler, Wilson, Griesheimer, Coleman, Koster, Barnitz, Purgason, Kennedy, Goodman, Wheeler and Klindt.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to a department of public safety grant program.

SB 1048—By Shields.

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

SB 1049—By Shields.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the disabled employee's health assistance program, with an emergency clause.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 590**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 590** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 9**.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, following breast cancer, cervical cancer is the second most common cancer in women worldwide after breast cancer; and

Whereas, according to United States cervical cancer statistics, the disease is the third most common gynecological cancer among American women. With approximately 12,200 new cases diagnosed annually, 4,100 of these cases result in death; and

Whereas, with regular and accurate screening, cervical cancer is highly preventable with regular and accurate screening; and

Whereas, widespread screening programs have helped reduce death rates from cervical cancer, but women are still dying even with such advanced medical techniques and evaluative procedures; and

Whereas, cervical cancer cases in the United States are generally attributed to lack of education, a reduction of access available to regular cervical cancer screening, and a lack of screening accuracy; and

Whereas, experience shows that increasing cervical cancer awareness among women, especially underserved women within our state, significantly reduces the probability of mortality; and

Whereas, cervical cancer disproportionately affects minority women and women with lower incomes because they are less likely to have access to routine screening; and

Whereas, approximately one-half of all cervical cancer cases are in women who have never been screened, and ten percent of cases are in women who have not been screened within the last five years; and

Whereas, the median age of cervical cancer patients at diagnosis is 47 years, the youngest median age for all female reproductive cancers; and

Whereas, new screening technologies, including FDA-approved testing for human papillomavirus, which is the cause of virtually all cervical cancers, offer new opportunities to finally

eliminate this potentially deadly disease through early identification of women at increased risk; and

Whereas, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society, and the Association of Reproductive Health Professionals have recently updated their screening guidelines to include FDA-approved testing for human papillomavirus; and

Whereas, women are entitled to proper cervical cancer information so they can be empowered to make informed health care decisions, and are entitled to access to routine screening, including the most accurate methods available:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize that through education and screening women can lower their likelihood for developing cervical cancer, and that through early detection cervical cancer can be successfully treated after it develops; and

Be it further resolved that the Missouri General Assembly supported the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in taking the lead in formulating the Comprehensive Cancer Action Plan for Missouri, including the review of data regarding cervical cancer and human papillomavirus of women in Missouri, evaluating current methods used to provide women with information regarding cervical cancer, access to regular screening, and options for increasing screening accuracy; and

Be it further resolved that the Missouri General Assembly supports the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in the identification of pockets of need, priority strategies, and new technologies, including new introduced therapies and preventive vaccines which are effective in preventing and controlling cervical cancer; and

Be it further resolved that the Missouri General Assembly directs that the Comprehensive Cancer Action Plan for Missouri, which serves as a nationwide model of effective cancer control strategies, be presented annually to the Governor, Lieutenant Governor, President Pro Tem of the Senate, the Speaker of the House of Representatives, and be posted on the Missouri state web site homepage; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, Lieutenant Governor Peter Kinder, the Director of the Department of Health and Senior Services, and the Missouri Cancer Consortium.

In which the concurrence of the Senate is respectfully requested.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1026—Financial and Governmental Organizations and Elections.

SB 1027—Transportation.

SB 1028—Judiciary and Civil and Criminal Jurisprudence.

SB 1029—Pensions, Veterans' Affairs and General Laws.

SB 1030—Judiciary and Civil and Criminal Jurisprudence.

SB 1031—Commerce, Energy and the Environment.

SB 1032—Financial and Governmental Organizations and Elections.

SB 1033—Pensions, Veterans' Affairs and General Laws.

SB 1034—Financial and Governmental Organizations and Elections.

SB 1035—Financial and Governmental Organizations and Elections.

SB 1036—Transportation.

SB 1037—Agriculture, Conservation, Parks and Natural Resources.

SB 1038—Agriculture, Conservation, Parks and Natural Resources.

SB 1039—Transportation.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 849** be taken up for perfection, which motion prevailed.

Senator Mayer offered **SS** for **SB 849**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 849

An Act to repeal sections 290.220, 290.290

and 290.305, RSMo, and to enact in lieu thereof nine new sections relating to public contracts.

Senator Mayer moved that **SS** for **SB 849** be adopted.

Senator Bartle assumed the Chair.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 849, Page 1, Section A, Line 4, by inserting after all of said line the following:

“34.077. 1. It is hereby declared to be the policy of the state of Missouri that no employer who employs any illegal alien shall be eligible to enter into a public works contract, as defined in section 34.058, nor shall any employer who employs any illegal alien be eligible to contract as a subcontractor on a project governed by a public works contract.

2. Any public entity inviting bids for or letting a public works contract shall insert in such entity's criteria for eligibility for the award of such contract a signed, notarized statement by the applicant affirming that such applicant employs no illegal aliens. Any public entity entering into a public works contract shall cause to be inserted into such contract a provision that prohibits the contractor from employing any illegal alien at any time during the period covered by such contract and a provision that prohibits the contractor, or any level of subcontractor, from contracting with any subcontractor who employs any illegal alien at any time during the period covered by such contract.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Gross assumed the Chair.

At the request of Senator Mayer, **SB 849** with **SS** and **SA 1** (pending), was placed on the Informal

Calendar.

Senator Shields announced that photographers from The Maneater had been given permission to take pictures in the Chamber today.

On motion of Senator Shields, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 849**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Griesheimer assumed the Chair.

Senator Gross assumed the Chair.

At the request of Senator Green, **SA 1** was withdrawn.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 849, Page 3, Section 34.215, Line 16, by inserting after all of said line the following:

“160.782. 1. Any person who is an employee of an entity that provides construction services under contract on the property of a public or private elementary or secondary school, public vocational school, or public or private junior college, college, university, or any land grant university shall submit to a chemical test for the purpose of determining the illegal drug content of that person's urine prior to working in such an area. The department of health and senior services shall be responsible for administering and analyzing such tests.

2. As used in this section, the following terms shall mean:

(1) “Verified positive test result”, a test result that was positive for an illegal substance on an initial Food and Drug Administration approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay, or other confirmatory tests approved by the department of health and senior services and reviewed and verified by the medical review officer;

(2) “Medical review officer”, a licensed physician responsible for receiving laboratory results who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate all positive test results together with a tested individual's medical history and any other relevant biomedical information.

3. Any individual subject to testing under this section shall be permitted to provide urine specimens in private, in a restroom stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual providing the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when the individual:

(1) Previously has been found to have tested positive for an illegal drug; or

(2) Previously has tampered with a sample.

4. After an individual yields a verified positive test, a contractor shall not allow such person to work on any school project and may:

(1) Take appropriate personnel action against such employee up to and including termination; and

(2) Require such employee to satisfactorily participate in a drug abuse assistance or

rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

5. If an employee yields a negative test result, that result shall stand for one year, the employee shall be allowed to work on any school project for that year, and the employee shall not be subjected to another test during this one-year period.

6. The department of health and senior services shall promulgate rules to implement the provisions of this section, including but not limited to, choosing appropriate testing facilities, appropriate fees to be assessed to employers for the adequate administration of such testing, and establishing procedures for the testing and analysis of test samples. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Graham and Wheeler.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green

Gross	Kennedy	Wheeler	Wilson—12
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NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel—20

Absent—Senators—None

Absent with leave—Senator Klindt—1

Vacancies—1

Senator Green offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 849, Page 1, Section A, Line 4, by inserting after all of said line the following:

“34.077. 1. It is hereby declared to be the policy of the state of Missouri that any employer who employs any undocumented worker shall be prohibited from entering into a contract as, or performing work as, a contractor or subcontractor on a project governed by a public works contract.

2. No employer who employs an undocumented worker, as defined by the federal Immigration Reform and Control Act of 1986, shall be eligible to enter into a public works contract, as defined in section 34.058, nor shall any employer who employs any undocumented worker be eligible to contract as a subcontractor on a project governed by a public works contract. No employer who employs an undocumented worker shall be allowed to perform work as a contractor or subcontractor on a project governed by a public works contract.

3. Any public entity inviting bids for or letting a public works contract shall insert in such entity’s criteria for eligibility for the

award of such contract a signed, notarized statement by the applicant affirming that such applicant employs no undocumented workers. Any public entity entering into a public works contract shall cause to be inserted into such contract:

(1) A provision that prohibits the contractor from employing any undocumented worker at any time during the period covered by such contract;

(2) A provision that prohibits the contractor, or any level of subcontractor, from contracting with any subcontractor who employs any undocumented worker at any time during the period covered by such contract;

(3) A provision to the effect that compliance with the provisions of this section shall be material to the contract and any violation of any provision of this section shall constitute a material breach of the contract and shall allow the public entity to unilaterally and immediately terminate the contract with the contractor; and

(4) A provision that requires the contractor to include such provisions in their bond contract that will guarantee the faithful performance of and compliance with the requirements of this section, and that will hold the public entity harmless for any losses incurred as a direct or indirect result of the contractor's violation of this section, and for any losses incurred as a direct or indirect result of the public entity's termination of the contract pursuant to this section.

4. Any entity that is found to have knowingly or negligently employed an undocumented worker at any time during the period said entity was under contract on a project governed by a public works contract, in violation of this section, shall be ineligible to work on any project governed by a public works contract for three years following such determination. An entity may appeal such

determination with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. For purposes of this section, the word "negligent" shall have the meaning set forth in section 285.025, RSMo.

5. In addition to other provisions of law which may allow interested parties or others to take action to enforce the provisions of this section, the attorney general is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, obtaining an order for injunction from a court of competent jurisdiction:

(1) To stop a contractor from bidding on, or entering into, or performing work pursuant to, any contract or subcontract for construction of public works; and

(2) To stop a public entity from paying a contractor who has violated any provision of this section."; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 849, Page 3, Section 34.215, Line 16, by inserting after all of said line the following:

"167.710. Beginning January 1, 2008, the department of elementary and secondary education shall:

(1) Adopt an indoor air quality in schools inspection and evaluation program to inspect and evaluate the indoor air quality of every school in this state a minimum of one time every three years;

(2) Establish minimum standards for indoor air quality in schools, including but not limited to radon testing and other chemical

compounds that affect indoor air quality. Such standards shall be no less than the standards promulgated by the American Society of Heating, Refrigeration, and Air Conditioning Engineers handbook (ASHRAE), the National Fire Protection Association code (NFPA), and the code of the Building Officials and Code Administration (BOCA); and

(3) Develop procedures for complaints to be filed requesting indoor air quality inspection and evaluation.

167.712. 1. A report of the results of any inspection and evaluation conducted pursuant to section 167.710 shall be made no later than sixty days after the inspection or evaluation takes place and shall include but not be limited to a summary of the findings and recommendations in developing a reasonable plan to improve air quality conditions.

2. A report of the results of any inspection and evaluation conducted pursuant to section 167.710 shall be sent to the school's principal, school board, state board of education, the department of elementary and secondary education, and the person filing the complaint about the air quality of the school.

3. The report shall be made public and a copy provided, for a reasonable cost, to anyone requesting a report.

4. To the extent practicable, the reports and evaluations shall be published on the Internet by the department of elementary and secondary education.

167.714. If any school of this state does not meet the minimum standards established pursuant to sections 167.710 to 167.714, the school shall remedy the air quality problem not more than sixty days after the school's principal receives the report pursuant to section 167.712.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 4 goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 849, Page 7, Section 290.326, Line 4, by inserting after all of said line the following:

“290.341. 1. Every contractor or other employer working on a public works project in this state shall require each newly hired independent contractor to fill out a federal 1099 form. The forms shall be compiled, distributed, and entered into the state directory of new hires in the same fashion as set forth in subsection 1 of section 285.300, RSMo.

2. No contractor or other employer working on a public works project in this state shall, in an attempt to avoid tax liability or reporting requirements for any employee, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.

3. Any such contractor or other employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to twice the amount of tax otherwise due on the employee's taxable wages if it is shown that the employer's failure to report wages is due to bad faith.

4. No such contractor or other employer shall terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has

communicated the intent to file an action alleging a violation of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SA 1 to SA 5**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Substitute for Senate Bill No. 849, Page 1, Section 290.341, Line 11, by inserting after the word **“employee,”** the following:

“avoid payments to the unemployment compensation fund under chapter 288, RSMo, or avoid payments to the second injury fund under chapter 287, RSMo,”;

And further amend said amendment, said page, same section, line 19 by inserting after the word **“wages”** the following:

“, payments otherwise due to the unemployment compensation fund under chapter 288, RSMo, and payments otherwise due to the second injury fund under chapter 287, RSMo,”

And further amend same amendment, same page, same section, line 26 by inserting after the words **“this section.”** the following:

“5. The director of revenue is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, taking all actions necessary to collect the fines and taxes due pursuant to this section. The director of revenue shall direct to the unemployment compensation fund and to the second injury fund amounts that are collected for payments due to those funds.”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 849, Page 1, Section A, Line 4, by inserting after all of said line the following:

“34.078. 1. It is hereby declared to be the policy of the state of Missouri that minority business enterprises located within this state, as defined in section 33.750, RSMo, shall have a reasonable and fair opportunity to compete for and enter into any public works contract, as defined in section 34.058.

2. A minimum of twenty-five percent, by value, of each public works contract, or of the aggregate of all public works contracts on a single project, entered into by any public entity shall be entered into with minority business enterprises. If there are not a sufficient number of qualified minority business enterprises in the locality, as defined in section 290.210, RSMo, to meet the twenty-five percent goal established in this section, then the public entity awarding the contract shall cause to be inserted into the contract:

(1) A stipulation requiring the contract recipient to make a good faith effort to solicit and use subcontracts with Missouri minority business enterprises located within reasonable proximity to the geographic area in order to meet the twenty-five percent goal established in this section; and

(2) A stipulation requiring all the contractor’s bonds on the project to include such provisions as will guarantee the faithful performance of the good faith effort required by the contract pursuant to subdivision (1) of this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—28

Absent—Senators

Dougherty	Graham	Green	Wheeler—4
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Absent with leave—Senator Klindt—1

Vacancies—1

Senator Scott assumed the Chair.

At the request of Senator Mayer, **SB 849**, with **SS** and **SA 6** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Green offered Senate Resolution No. 2038, regarding C. Allen Benton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, former State Senator Anita Yeckel, St. Louis County.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 14, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1040-Barnitz	SB 1045-Goodman
SB 1041-Gibbons	SB 1046-Days
SB 1042-Kennedy	SB 1047-Loudon, et al
SB 1043-Coleman	SB 1048-Shields
SB 1044-Alter	SB 1049-Shields

THIRD READING OF SENATE BILLS

SS for SCS for SB 590-Nodler (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|---|--------------------------------|
| 1. SB 583-Griesheimer and Alter, with SCS | 7. SB 584-Champion |
| 2. SB 820-Koster, with SCS | 8. SB 596-Days |
| 3. SB 614-Stouffer & Goodman, with SCS | 9. SB 644-Shields |
| 4. SB 832-Griesheimer, with SCS | 10. SB 666-Engler,
with SCS |
| 5. SBs 575 & 714-Scott, et al, with SCS | 11. SB 629-Gross |
| 6. SBs 588, 557, 579, 563, 869, 619,
570, 753, 764, 782, 783 & 890-Bartle
and Scott, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|---|
| SB 689-Scott | SB 849-Mayer, et al, with SS & SA 6 (pending) |
| SB 690-Champion, with SCS | SJR 26-Ridgeway and Graham |
| SB 773-Cauthorn and Barnitz, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/2

- | | |
|-------------------------|--------------------------|
| SB 749-Engler, with SCS | SB 630-Gross, with SCS |
| SB 747-Klindt, with SCS | SB 805-Gross |
| SB 641-Scott | SB 612-Engler |
| SB 818-Scott | SB 712-Scott |
| SB 819-Scott | SB 802-Shields, with SCS |
| SB 828-Scott | SB 648-Champion |
| SB 678-Gross | SB 677-Gross |

Reported 2/9

- | | |
|----------------|--------------------------------|
| SB 559-Gibbons | SB 746-Klindt, with SCS |
| SB 558-Gibbons | SB 825-Koster, et al, with SCS |

SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS
SB 618-Koster
SB 580-Shields, with SCS
SB 650-Champion, with SCS

SB 656-Nodler
SB 679-Gross
SB 840-Stouffer
SB 908-Stouffer
SB 909-Stouffer

RESOLUTIONS

Reported from Committee

SCR 25-Cauthorn, with SCS

SCR 24-Scott, with SCS

To be Referred

SCR 28-Days and Nodler

HCR 9-Ruestman, et al

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 14, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"...but you shall love your neighbor as yourself: I am the Lord." (Leviticus 19:18b)

Loving God, on this proclaimed day of love let us truly remember those You have given us to love and to tell them that we do love them. Help us also to do as You commanded, to love our neighbors, those we sometimes overlook who do so much for us and those we pay so little heed whom You have placed in our lives. Help us to be more loving to one another for You have certainly shown Your love for us everyday. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Senate were given permission to take pictures from the Gallery today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 2039, regarding Benjamin Harold Oliver, Republic, which was adopted.

Senator Clemens offered Senate Resolution No. 2040, regarding Nathaniel Bruce Oliver, Republic, which was adopted.

Senator Goodman offered Senate Resolution No. 2041, regarding Kelley Waggoner, Mount Vernon, which was adopted.

Senator Graham offered Senate Resolution No. 2042, regarding the One Hundred First Birthday of Roy L. Reed, Columbia, which was

adopted.

Senator Graham offered Senate Resolution No. 2043, regarding the One Hundred Second Birthday of Charles Jefferson, Columbia, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2044, regarding Kyle Patrick Knight, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2045, regarding Patrick Thomas Struckhoff, Washington, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1050—By Bartle.

An Act to repeal sections 534.380 and 535.110, RSMo, and to enact in lieu thereof two new sections relating to the posting of cash bonds to stay execution in certain landlord-tenant proceedings.

SB 1051—By Bartle.

An Act to repeal sections 534.070, 534.090, 534.355, and 535.030, RSMo, and to enact in lieu thereof four new sections relating to landlord and tenant law.

SENATE BILLS FOR PERFECTION

SB 583, with SCS, was placed on the Informal Calendar.

SB 820, with SCS, was placed on the Informal Calendar.

SB 614, with SCS, was placed on the Informal Calendar.

SB 832, with SCS, was placed on the Informal Calendar.

Senator Scott moved that **SB 575** and **SB 714**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SBs 575** and **714**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 575 and 714

An Act to repeal sections 196.973, 196.979, and 196.981, RSMo, and to enact in lieu thereof four new sections relating to unused prescription drugs, with penalty provisions and a sunset provision.

Was taken up.

Senator Scott moved that SCS for **SBs 575** and **714** be adopted.

Senator Bartle assumed the Chair.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 575 and 714, Page 4, Section 196.990, Line 26, by inserting after all of said line the following:

“5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September 1 of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

further amend section B, page 4, lines 1-10 by striking all of said section from the bill.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 575 and 714, Page 3, Section 196.981, Line 2, by striking the words “criminal or” and

further amend said section and page line 18 by striking the words “criminal or” and

further amend section 196.990, page 4, line 12, by striking the words “criminal or” and

further amend said section and page, line 17, by striking the words “criminal or”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **SBs 575** and **714**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SBs 575** and **714**, as amended, was declared perfected and ordered printed.

SB 588, SB 557, SB 579, SB 563, SB 869, SB 619, SB 570, SB 753, SB 764, SB 782, SB 783 and **SB 890**, with **SCS**, were placed on the Informal Calendar.

Senator Champion moved that **SB 584** be taken up for perfection, which motion prevailed.

Senator Champion offered **SS** for **SB 584**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 584

An Act to repeal sections 302.272, 302.275, and 302.321, RSMo, and to enact in lieu thereof three new sections relating to school bus drivers, with penalty provisions and an effective date.

Senator Champion moved that **SS** for **SB 584** be adopted.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No.

584, Page 2, Section 302.272, Line 21, by deleting from said lines the following “, while operating a school bus”,

And further amend same page, same section, line 23, by deleting from said lines the following “while operating a school bus”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SS** for **SB 584**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SS** for **SB 584**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 28—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **HCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2046, regarding Jerrod Murphy and Jerry Murphy, Poplar Bluff, which was adopted.

Senator Stouffer offered Senate Resolution No. 2047, regarding Dr. William Allen Baker, PgD, PhD, DLitt, ThD, DPhil; Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 2048, regarding Kent Kubach, Independence, which was adopted.

Senator Stouffer offered Senate Resolution No. 2049, regarding the death of James Curtis “Coach E” Edmundson, Brunswick, which was adopted.

Senator Goodman offered Senate Resolution No. 2050, regarding Emily Hine, Galena, which was adopted.

Senator Goodman offered Senate Resolution No. 2051, regarding Art Hegi, Smithville, which was adopted.

Senator Goodman offered Senate Resolution No. 2052, regarding Howard Slawson, Shell Knob, which was adopted.

Senator Goodman offered Senate Resolution No. 2053, regarding the Mt. Vernon Veteran’s Home, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 14, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Julius K. Hunter, 1430 Hamilton, Saint Louis City, Missouri 63112, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2010 and until his successor is duly appointed and qualified; vice, Bartholomew Saracino, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 584** and **SCS** for **SBs 575** and **714**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 849**, with **SS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

Senator Ridgeway assumed the Chair.

Senator Nodler assumed the Chair.

Senator Griesheimer assumed the Chair.

Senator Crowell assumed the Chair.

Senator Griesheimer assumed the Chair.

Senator Crowell assumed the Chair.

Senator Kennedy offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Bill No. 849, Page 1, Section 34.078, Line 27, by inserting after the word “subsection.”, the following:

“3. The Division of Labor Standards shall submit to the general assembly no later than January 1 of each year a report concerning minority participation and whether each locality specified in Section 290.210, RSMo, has met the goals established by this section.”

Senator Kennedy moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

At the request of Senator Mayer, **SB 849**, with **SS, SA 6** and **SA 1** to **SA 6** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, the Physician of the Day, Dr. John Lucio, D.O., Jefferson City.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc., from around the state.

Senator Scott introduced to the Senate, students and Advanced Practiced Registered Nurses from around the state.

Senator Cauthorn introduced to the Senate,

Dr. Stephen Hadwiger, Sarah Schelich, Meredith Rocha, Kristin Prange, Rachel Mohler, Stephanie Powelson, Kate Howser and Elizabeth Swartz, Truman State University, Kirksville.

Senator Champion introduced to the Senate, Mike Burnett and Ryan Sivill, Springfield.

Senator Scott introduced to the Senate, Becky McClanahan, Kirksville; Kelley Jenkins, Springfield; Siobhan Burns, St. Louis; Nick Francis, Perryville; Ashley Peterson, Overland Park, Kansas; Alicia Embry and Meredith Williams, Boonville; and Irene Agbevey, Ghana, Africa; and students and faculty from Truman State University, Kirksville.

Senator Scott introduced to the Senate, Justin and Karen Dodson and their son, Joey, and Deborah Smithey, St. Clair County.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY–WEDNESDAY, FEBRUARY 15, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1040-Barnitz
SB 1041-Gibbons
SB 1042-Kennedy
SB 1043-Coleman
SB 1044-Alter
SB 1045-Goodman

SB 1046-Days
SB 1047-Loudon, et al
SB 1048-Shields
SB 1049-Shields
SB 1050-Bartle
SB 1051-Bartle

THIRD READING OF SENATE BILLS

SS for SCS for SB 590-Nodler
(In Fiscal Oversight)

SS for SB 584-Champion
SCS for SBs 575 & 714-Scott, et al

SENATE BILLS FOR PERFECTION

SB 596-Days
SB 644-Shields

SB 666-Engler, with SCS
SB 629-Gross

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS
SBs 588, 557, 579, 563, 869, 619,
570, 753, 764, 782, 783 & 890-Bartle
and Scott, with SCS
SB 614-Stouffer & Goodman, with SCS
SB 689-Scott
SB 690-Champion, with SCS

SB 773-Cauthorn and Barnitz, with SCS
SB 820-Koster, with SCS
SB 832-Griesheimer, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 825-Koster, et al, with SCS
SB 881-Engler

SB 900-Shields
SB 765-Dougherty, with SCS
SB 618-Koster
SB 580-Shields, with SCS
SB 650-Champion, with SCS

SB 656-Nodler
SB 679-Gross
SB 840-Stouffer

SB 908-Stouffer
SB 909-Stouffer

RESOLUTIONS

Reported from Committee

SCR 25-Cauthorn, with SCS

SCR 24-Scott, with SCS

Unofficial



Journal

Copy

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 15, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord has heard my supplication: the Lord accepts my prayer.” (Psalm 6:9)

Gracious Lord, help us to remember that You are more ready to listen to our prayers than we are to pray. Help us to remember that without regular prayer we are in danger of giving into temptation when a crisis arises in our lives. And help us to know that by daily prayer we are given strength to face each new day and what it will bring to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2054, regarding The Bank of Missouri, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2055, regarding Jennifer Preston, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2056, regarding Stanley Muffler Company, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 2057, regarding Lonnie Thurmond, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 2058, regarding Angie Jones, East Prairie, which was adopted.

Senator Alter offered Senate Resolution No. 2059, regarding Tonya West, Pevely, which was adopted.

Senator Goodman offered Senate Resolution No. 2060, regarding Martha Robinson, Mount Vernon, which was adopted.

Senator Champion offered Senate Resolution No. 2061, regarding the late John Thomas Woodruff, which was adopted.

Senator Bray offered Senate Resolution No. 2062, regarding Andy Sides, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 2063, regarding Joey Mello, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 2064, regarding Alex Tuchel-Veyhl, Richmond Heights, which was adopted.

Senator Stouffer offered Senate Resolution No. 2065, regarding Mr. and Mrs. Justin Whick McBee, which was adopted.

Senator Gross offered Senate Resolution No. 2066, regarding Heritage Alternative School of the Francis Howell School District, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 2067, regarding the St. Charles West High School Marching Warriors, Dance and Drill, and the Jefferson Middle School Eighth Grade, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1052—By Nodler.

An Act to amend chapter 319, RSMo, by

adding thereto one new section relating to damage to underground facilities.

SB 1053—By Days.

An Act to repeal sections 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof six new sections relating to the long-term care partnership act.

SB 1054—By Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the recycling of license plates.

SB 1055—By Cauthorn.

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to overtime for state employees.

SB 1056—By Griesheimer.

An Act to repeal section 67.1545, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

SB 1057—By Loudon.

An Act to repeal section 430.225, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

SB 1058—By Loudon.

An Act to amend chapter 385, RSMo, by adding thereto thirteen new sections relating to the vehicle protection product act, with penalty provisions and an effective date.

SB 1059—By Kennedy.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a memorial highway.

SB 1060—By Kennedy, Stouffer and Loudon.

An Act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

SB 1061—By Mayer.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to faith-based organizations.

SB 1062—By Scott.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the videotaped depositions of mentally retarded persons.

SB 1063—By Scott.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to transportation services for the elderly.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 590**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS FOR PERFECTION

SB 596 was placed on the Informal Calendar.

At the request of Senator Shields, **SB 644** was placed on the Informal Calendar.

Senator Engler moved that **SB 666**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 666**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 666**

An Act to amend chapter 320, RSMo, by adding thereto four new sections relating to volunteer firefighter job protection act.

Was taken up.

Senator Bartle assumed the Chair.

Senator Engler moved that **SCS** for **SB 666** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 666, Page 1, In the Title, Line 2, by striking the words “volunteer firefighter job protection act” and inserting in lieu thereof the following: “fire protection”; and

further amend said bill, section A, page 1, line 3 by inserting immediately after all of said line the following:

“320.200. As used in sections 320.200 to [320.270] **320.271**, unless the context requires otherwise, the following terms mean:

(1) “Division”, the division of fire safety created in section 320.202;

(2) “Dwelling unit”, one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities;

(3) “Fire department”, an agency or organization that provides fire suppression and related activities, including but not limited to, fire prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area. The term “fire department” shall include any municipal fire department or any fire protection district as defined in section 321.010, or voluntary fire protection association as defined in section 320.300, engaging in this type of activity;

(4) “Fire loss”, loss of or damage to property, or the loss of life or of personal injury, by fire, lightning, or explosion;

[(4)] (5) “Investigator”, the supervising

investigators and investigators appointed under sections 320.200 to 320.270;

[(5)] (6) “Owner”, any person who owns, occupies, or has charge of any property;

[(6)] (7) “Privately occupied dwelling”, a building occupied exclusively for residential purposes and having not more than two dwelling units;

[(7)] (8) “Property”, property of all types, both real and personal, movable and immovable;

[(8)] (9) “State fire marshal”, the state fire marshal selected under the provisions of sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer fire protection associations as defined in section 320.300 shall **complete and** file with the state fire marshal within sixty days after [August 13, 1988] **January 1, 2006**, and annually thereafter, [the name and address of the fire protection district, fire department, or volunteer fire protection association] **a fire department registration form provided by the state fire marshal. The state fire marshal may issue a fire department identification number to each registered fire protection district, fire department, or volunteer fire protection association based upon such registration. The state fire marshal may conduct periodic reviews of the information provided on each fire department registration form.**

320.300. As used in sections 320.300 to 320.310, the phrase “volunteer fire protection association” means any fire department which is staffed by volunteers and organized for the purpose of combating fires in a specified area. The provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection associations **that provide fire suppression and related activities, including but not limited to, fire**

prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area, either partially or wholly funded by membership or subscriber fees and shall not apply to fire protection districts supported by local tax revenues, or which have contracted with a political subdivision to respond to fires within the area of an association's boundaries.

320.310. All volunteer fire protection associations [may] **shall** identify the association's boundaries and file the same with the county administrative body. **Such boundaries shall not encroach upon nor include any portion of another fire department's, as that term is defined in section 320.200, legally established boundaries.”**; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS** for **SB 666**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 666**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 614**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 614**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 614

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 614** be adopted.

Senator Coleman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 614, Page 3, Section 135.1142, Line 65, by inserting after all of said line, the following:

“8. In accordance with the provisions of sections 23.250 to 23.298, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September 1 of the year following the year in which this program is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.” and

Further amend the title accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SCS** for **SB 614**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 614**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 25**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 25** was taken up.

Senator Cauthorn moved that **SCS** for **SCR 25** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCR 25**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 825**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 656**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 679**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 908**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 614** and **SCS** for **SB 666**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 849**, with **SS**, **SA 6** and **SA 1** to **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Mayer, **SB 849**, with **SS**, **SA 6** and **SA 1** to **SA 6** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 1030** to the Committee on Commerce, Energy and the Environment.

RESOLUTIONS

Senator Days offered Senate Resolution No. 2068, regarding B.B. King, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2069, regarding Captain Phillip Goode, O'Fallon, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2070, regarding Reverend Larry Willige, Eureka, which was adopted.

Senator Bray offered Senate Resolution No. 2071, regarding Dr. E. Terrence Jones, University City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Megan Pittman, Kayla Crider and Jonathan Russell.

Senator Callahan introduced to the Senate, Charles Kellogg, Independence.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Randall E. Mueller, MD, MSPH and Nancy Windsor, Columbia.

Senator Graham introduced to the Senate, Coach Gary Pinkel and the Missouri Tigers Football Team, Columbia.

Senator Shields introduced to the Senate, T. Rucker, St. Joseph.

Senator Klindt introduced to the Senate, Tyler Luellen, Bethany.

Senator Scott introduced to the Senate, Dena Hubbard, Osceola.

On behalf of Senator Gross and himself, Senator Scott introduced to the Senate, Brandon Larkin, St. Charles.

Senator Gibbons introduced to the Senate, members of the Missouri Chapter of the March of Dimes from across Missouri.

Senator Days introduced to the Senate,

Pearlina Boyd, Nellie Watkins, Malik Hall, Joseph Scoggins and Scott Smith, members of the St. Louis Black Leadership Roundtable.

Senator Purgason introduced to the Senate, Bruce Mitchell and members of Leadership Camden County.

Senator Alter introduced to the Senate, Mayor Harold Dielmann, Dr. Jaime Worthington, Evren Senol, Jerry Lund and Vi Smith, members of the Creve Coeur-Olivette Chamber of Commerce.

Senator Nodler introduced to the Senate, Jeff Stutesman, Crystal and Bob Harrington, Tony and Gary Philpot, Perry Workman, Charlie Kuehn and Sue Daniels, Joplin.

Senator Barnitz introduced to the Senate, Jonathon and Jenny Bertz, Salem.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 16, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1040-Barnitz
SB 1041-Gibbons
SB 1042-Kennedy
SB 1043-Coleman
SB 1044-Alter
SB 1045-Goodman
SB 1046-Days
SB 1047-Loudon, et al
SB 1048-Shields
SB 1049-Shields
SB 1050-Bartle
SB 1051-Bartle

SB 1052-Nodler
SB 1053-Days
SB 1054-Cauthorn
SB 1055-Cauthorn
SB 1056-Griesheimer
SB 1057-Loudon
SB 1058-Loudon
SB 1059-Kennedy
SB 1060-Kennedy, et al
SB 1061-Mayer
SB 1062-Scott
SB 1063-Scott

THIRD READING OF SENATE BILLS

SS for SCS for SB 590-Nodler
SS for SB 584-Champion
SCS for SBs 575 & 714-Scott, et al

SCS for SB 614-Stouffer & Goodman
SCS for SB 666-Engler

SENATE BILLS FOR PERFECTION

SB 629-Gross

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS
 SBs 588, 557, 579, 563, 869, 619, 570,
 753, 764, 782, 783 & 890-Bartle and
 Scott, with SCS
 SB 596-Days
 SB 644-Shields
 SB 689-Scott

SB 690-Champion, with SCS
 SB 773-Cauthorn and Barnitz, with SCS
 SB 820-Koster, with SCS
 SB 832-Griesheimer, with SCS
 SB 849-Mayer, et al, with SS, SA 6
 & SA 1 to SA 6 (pending)
 SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
 SB 747-Klindt, with SCS
 SB 641-Scott
 SB 818-Scott
 SB 819-Scott
 SB 828-Scott
 SB 678-Gross

SB 630-Gross, with SCS
 SB 805-Gross
 SB 612-Engler
 SB 712-Scott
 SB 802-Shields, with SCS
 SB 648-Champion
 SB 677-Gross

Reported 2/9

SB 559-Gibbons
 SB 558-Gibbons
 SB 746-Klindt, with SCS
 SB 881-Engler
 SB 900-Shields
 SB 765-Dougherty, with SCS

SB 618-Koster
 SB 580-Shields, with SCS
 SB 650-Champion, with SCS
 SB 840-Stouffer
 SB 909-Stouffer

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

✓

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 16, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"...For the Lord your God is with you wherever you go."
(Joshua 1:9)

Almighty God, as we finish up our work this day, help us to be mindful that You have given us this day to use that we might be helpful to others. Make us mindful of our responsibilities as we drive through the state today; to be courteous and drive carefully and not endanger others and help us be aware of others on our roads who are often dangerous and thoughtless, all so that we can return safely to those who love us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2072, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Heil, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 2073, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Meierer, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2074, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Kenneth Burnam, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 2075, regarding the Boonville Council 1061 Knights of Columbus, which was adopted.

Senator Engler offered Senate Resolution No. 2076, regarding Henry Francis, Farmington, which was adopted.

Senator Klindt offered Senate Resolution No. 2077, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carlin Sperry, Pattonsburg, which was adopted.

Senator Klindt offered Senate Resolution No. 2078, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leonard Deweese, Rea, which was adopted.

Senator Klindt offered Senate Resolution No. 2079, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Gilpatrick, Eagleville, which was adopted.

Senator Klindt offered Senate Resolution No. 2080, regarding Mitchell Brantley Bailey, which was adopted.

Senator Klindt offered Senate Resolution No. 2081, regarding Miles M. Moore, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1064—By Stouffer.

An Act to repeal sections 226.527, 226.530, and 226.580, RSMo, and to enact in lieu thereof three new sections relating to outdoor advertising.

SB 1065—By Vogel.

An Act to repeal section 104.271, RSMo, and to enact in lieu thereof two new sections relating to state employee retirement.

SB 1066—By Klindt.

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications companies.

SB 1067—By Bartle.

An Act to repeal sections 210.870 and 620.1580, RSMo, and to enact in lieu thereof six new sections relating to the creation of the office

of enterprise technology.

SB 1068—By Purgason.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to the collection of sales tax, with penalty provisions.

SB 1069—By Engler.

An Act to repeal section 108.170, RSMo, and to enact in lieu thereof one new section relating to public finance.

SB 1070—By Bray.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the public service commission.

SB 1071—By Loudon.

An Act to amend chapter 374, RSMo, by adding thereto three new sections relating to the Interstate Insurance Product Regulation Compact, with penalty provisions.

SB 1072—By Loudon.

An Act to repeal sections 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.541, RSMo, relating to abandoned manufactured homes.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Roger L. Mitchell, as a member of the Life Sciences Research Board;

Also,

Brian D. Dunlop, as a member of the Child

Abuse and Neglect Review Board;

Also,

Monica E. Haaf, as a member of the Coordinating Board for Early Childhood Development;

Also,

Peter W. Lobdell, as State Supervisor of the Division of Alcohol and Tobacco Control.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 837**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 838**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which

was referred **SB 915**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which were referred **SB 1014** and **SB 730**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 870**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 906**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 932**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 933**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 934**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 561**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 744**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 766**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and

Means, to which was referred **SB 936**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 893**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 919**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 751**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 867**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 863**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 809**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 760**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 643**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 830**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 701** and **SB 948**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which were referred **SB 872**, **SB 754** and **SB 669**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 1001**, **SB 896** and **SB 761**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 590**, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 590

An Act to repeal sections 160.545, 172.287, 173.005, 173.616, 174.450, 174.453, 174.500, and 178.870, RSMo, and to enact in lieu thereof fourteen new sections relating to higher education, with penalty provisions and a termination date for a certain section.

Was taken up.

On motion of Senator Nodler, **SS** for **SCS** for **SB 590** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green

Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 584**, introduced by Senator Champion, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 584

An Act to repeal sections 302.272, 302.275, and 302.321, RSMo, and to enact in lieu thereof three new sections relating to school bus drivers, with penalty provisions and an effective date.

Was taken up.

On motion of Senator Champion, **SS** for **SB 584** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 578**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 578** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SBs 575** and **714**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 575 and 714

An Act to repeal sections 196.973, 196.979, and 196.981, RSMo, and to enact in lieu thereof four new sections relating to unused prescription drugs, with penalty provisions.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SBs 575** and **714** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SCS for **SB 614**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 614

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to

residential treatment agency tax credits.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 614** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SCS for **SB 666**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 666

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS** for **SB 666** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws,

submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 871**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Buzz Ball, Neosho.

Senator Bray introduced to the Senate, Dr. Katherine Mathews, Clayton.

Senator Vogel introduced to the Senate, seventeen fourth grade students from Moreau Heights Elementary School, Jefferson City; and Julia Schnieders, Nicholas LeBlanc, Madison Davis, Keith Porter, Cory Wiens and Stewart Kaiser were made honorary pages.

Senator Crowell introduced to the Senate, his brother, Josh, and members of the Cape Central Wrestling Team, Cape Girardeau.

Senator Vogel introduced to the Senate, the Physician of the Day, Dr. Roy A. Michael, D.O., Jefferson City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 20, 2006.

SENATE CALENDAR

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 20, 2006

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 1040-Barnitz

SB 1041-Gibbons

SB 1042-Kennedy

SB 1043-Coleman

SB 1044-Alter
SB 1045-Goodman
SB 1046-Days
SB 1047-Loudon, et al
SB 1048-Shields
SB 1049-Shields
SB 1050-Bartle
SB 1051-Bartle
SB 1052-Nodler
SB 1053-Days
SB 1054-Cauthorn
SB 1055-Cauthorn
SB 1056-Griesheimer
SB 1057-Loudon
SB 1058-Loudon

SB 1059-Kennedy
SB 1060-Kennedy, et al
SB 1061-Mayer
SB 1062-Scott
SB 1063-Scott
SB 1064-Stouffer
SB 1065-Vogel
SB 1066-Klindt
SB 1067-Bartle
SB 1068-Purgason
SB 1069-Engler
SB 1070-Bray
SB 1071-Loudon
SB 1072-Loudon

SENATE BILLS FOR PERFECTION

SB 629-Gross
SB 915-Koster, et al, with SCS
SBs 1014 & 730-Scott and Gibbons,
with SCS

SB 744-Klindt, with SCS
SBs 701 & 948-Crowell, with SCS
SBs 872, 754 & 669-Gibbons, et al, with SCS
SBs 1001, 896 & 761-Griesheimer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS
SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS
SB 596-Days
SB 644-Shields
SB 689-Scott

SB 690-Champion, with SCS
SB 773-Cauthorn and Barnitz, with SCS
SB 820-Koster, with SCS
SB 832-Griesheimer, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS

SB 618-Koster
SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 840-Stouffer
SB 909-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 838-Loudon and Klindt
SB 870-Mayer, with SCS
SB 892-Scott, with SCS
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott
SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 867-Graham
SB 863-Engler
SB 809-Graham
SB 760-Engler, with SCS
SB 643-Scott
SB 830-Ridgeway, et al
SB 871-Coleman

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

Requests to Recede or Grant Conference

SCS for SB 578-Shields, with HCS
(Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

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Journal

Copy

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 20, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

"Determine that the thing can and shall be done, and then we shall find the way." (Abraham Lincoln)

Lord, we thank You for bringing us safely here to continue our work. We know there are many challenges that face us this session. So we pray, please give us the wisdom and discernment to continue to decide what is truly important and must be done. And we pray, help us find the way to work together and then to get it done. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 16, 2006 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2082, regarding Mr. and Mrs. Michael Hulett, which was adopted.

Senator Crowell offered Senate Resolution No. 2083, regarding Kara Vangilder, which was adopted.

Senator Crowell offered Senate Resolution No. 2084, regarding Andrew Gross, which was adopted.

Senator Crowell offered Senate Resolution No. 2085, regarding Jonathan Young, which was adopted.

Senator Crowell offered Senate Resolution No. 2086, regarding Katie Matthews, which was adopted.

Senator Crowell offered Senate Resolution No. 2087, regarding Anthony Werner, which was adopted.

Senator Crowell offered Senate Resolution No. 2088, regarding Brad Culbertson, which was adopted.

Senator Crowell offered Senate Resolution No. 2089, regarding Mark Green, which was adopted.

Senator Crowell offered Senate Resolution No. 2090, regarding Sarah Roberts, which was adopted.

Senator Crowell offered Senate Resolution No. 2091, regarding Cole Jenkins, which was adopted.

Senator Crowell offered Senate Resolution No. 2092, regarding Kelsy Gjerstad, which was adopted.

Senator Crowell offered Senate Resolution No. 2093, regarding Andrew Schmid, which was adopted.

Senator Crowell offered Senate Resolution No. 2094, regarding Lauren Law, which was adopted.

Senator Coleman offered Senate Resolution No. 2095, regarding Freeman Bosley, Sr., Saint Louis, which was adopted.

Senator Gross offered Senate Resolution No. 2096, regarding Matthew J. Bradford, St. Charles, which was adopted.

Senator Loudon offered Senate Resolution No. 2097, regarding Delta Tau Delta Fraternity, which was adopted.

Senator Stouffer offered Senate Resolution No. 2098, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leonard Newton, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution

No. 2099, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ercel Colliver, Tina, which was adopted.

Senator Stouffer offered Senate Resolution No. 2100, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Fieth, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 2101, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ryland Sims, Lexington, which was adopted.

Senator Mayer offered Senate Resolution No. 2102, regarding Coach Gene Bess, Three Rivers Community College, which was adopted.

Senator Wilson offered Senate Resolution No. 2103, regarding J.S. Chick Elementary School, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 2104, regarding Sanford B. Ladd Elementary School, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 2105, regarding the Ninetieth Birthday of William A. Burns, Bunker, which was adopted.

Senator Alter offered Senate Resolution No. 2106, regarding Sara Puttman, which was adopted.

Senator Vogel offered Senate Resolution No. 2107, regarding Georgia Dulle, Jefferson City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Graham offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 29

WHEREAS, the National Forest Service is a federal agency within the United States Department of Agriculture that manages public lands in national forests and grasslands, engages in important research as the world's largest forestry research organization, and provides assistance to state and private forestry entities; and

WHEREAS, the origination of the Forest Service can be traced back to the passage of the Forest Reserve Act of 1891, which

allowed presidents to establish forest reserves from timber-covered land in the public domain; and

WHEREAS, a progressive United States Congress and President Theodore Roosevelt, the most notable conservationist among all U.S. presidents deceased and living, established the Forest Service in 1905; and

WHEREAS, a primary objective of the Forest Service is to enable citizens to enjoy its 155 national forest and 20 grasslands, which collectively comprise about 8.5 percent of the total land area of the United States; and

WHEREAS, another chief goal of the Forest Service is to protect the environment for generations yet to come and manage the National Forest System for the overall benefit of the American people; and

WHEREAS, Gifford Pinchot, the first Chief of the Forest Service, summed up the mission of the Forest Service by stating that it should “provide the greatest amount of good for the greatest amount of people in the long run”; and

WHEREAS, Pinchot’s vision of the Forest Service has recently been called into question by a Bush Administration proposal to possibly sell more than 300,000 acres of national forest to private owners and developers; and

WHEREAS, 21,566 acres of the Mark Twain National Forest in Missouri is under consideration for sale, which ranks Missouri fourth in the nation in most potential lost forest, behind only California, Idaho and Colorado; and

WHEREAS, Forest Service stewards have in the past participated in limited land-exchange programs but have never engaged in the outright sale of our national forests, which is undoubtedly one of our country’s most precious assets; and

WHEREAS, the money raised from the sale of our national forests would be used to fund a program created by the Secure Rural Schools and Community Self Determination Act of 2000 – a program that is of little benefit to the citizens of the state of Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninety-third General Assembly, Second Regular Session, the House of Representatives concurring herein, hereby express their opposition to the Bush Administration’s unprecedented proposed sale of national forest land; and

BE IT FURTHER RESOLVED that we urge Missouri citizens to contact the Forest Service during its allotted time of public comment to speak out against this plan; and

BE IT FURTHER RESOLVED that we ask Missouri’s nine Congressmen in the U.S. House of Representatives and its two U.S. senators to use their influence to oppose the proposed sale of public lands; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies

of this resolution for U.S. Agriculture Secretary Mike Johanns, Chief of the National Forest Service Dale Bosworth, and each of Missouri’s federal representatives and senators.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1073–By Gross.

An Act to repeal section 303.415, RSMo, and to enact in lieu thereof one new section relating to extending the sunset clause on the motorist insurance identification database program.

SB 1074–By Loudon.

An Act to repeal sections 287.127, 287.250, 287.390, and 287.800, RSMo, and to enact in lieu thereof four new sections relating to workers’ compensation, with penalty provisions.

SB 1075–By Loudon.

An Act to repeal section 287.717, RSMo, and to enact in lieu thereof one new section relating to workers’ compensation deductible surcharge collection.

SB 1076–By Goodman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

SB 1077–By Bray, Wheeler, Days, Green, Barnitz, Kennedy, Coleman and Wilson.

An Act to repeal section 116.090, RSMo, and to enact in lieu thereof one new section relating to signing initiative and referendum petitions, with penalty provisions.

SB 1078–By Bray.

An Act to repeal section 386.390, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

SB 1079–By Coleman.

An Act to repeal section 304.070, RSMo, and to enact in lieu thereof one new section relating to

enhancing penalties for motorists who fail to properly yield for school buses that are loading and unloading children.

SB 1080—By Coleman.

An Act to authorize the conveyance of property owned by the state known as the Midtown state office building to St. Louis University, with an emergency clause.

SB 1081—By Clemens.

An Act to repeal section 644.051, RSMo, and to enact in lieu thereof one new section relating to bond requirement for issuance of permits for construction of wastewater treatment facilities.

SB 1082—By Shields.

An Act to repeal section 287.140, RSMo, and to enact in lieu thereof one new section relating to workers' compensation fees, with penalty provisions.

SB 1083—By Bray.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to disclosing expenditures in support of and in opposition to candidates.

President Kinder assumed the Chair.

Senator Shields requested unanimous consent of the Senate to correct the Rules, Joint Rules, Resolutions and Ethics Committee's report on **SB 908**, submitted on Wednesday, February 15, 2006. The report should have removed **SB 909** from the Consent Calendar rather than **SB 908**, which request was granted.

Senator Crowell requested unanimous consent of the Senate to correct the Pensions, Veterans' Affairs and General Laws Committee's report on **SB 830** to reflect the adoption of a Senate Committee Substitute, which request was granted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Julius K. Hunter to the Saint Louis City Board of Police Commissioners, submitted on February 14, 2006. Line 1 should be amended as follows:

"Julius K. Hunter, 4660 Pershing Place, Saint Louis City, Missouri 63108, as a"

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James D. McKenzie, 341 North Washington, Nevada, Vernon County, Missouri 64772, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Natalie Anderson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edwin S. Fryer, 25 Foreway Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Bernard Orman, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Eric V. Barnhart, Republican, 1151 Saint Catherine Street,
Florissant, Saint Louis County, Missouri 63031, as a member of the
Public Defender Commission, for a term ending December 30, 2011
and until his successor is duly appointed and qualified; vice, Joyce
Blades, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Owen F. Smith, Republican, 47 Foose Road, Buffalo, Dallas
County, Missouri 65622, as a member of the Missouri Veterinary
Medical Board, for a term ending April 29, 2009, and until his
successor is duly appointed and qualified; vice, Roger D. Shaw, Jr.,
term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

S. Lee Kling, 17 Country Life Acres, Saint Louis, Saint Louis
County, Missouri 63131, as a member of the Missouri Veterans'
Commission, for a term ending November 2, 2009, and until his
successor is duly appointed and qualified; vice, Emmet Fairfax,
term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

T. Brooks Hurst, Republican, 18541 State Highway O,
Tarkio, Atchison County, Missouri 64491, as a member of the
Missouri Agricultural and Small Business Development Authority,
for a term ending June 30, 2010, and until his successor is duly
appointed and qualified; vice, Kenneth Minton, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

David J. Jones, 3245 Renick Street, Saint Joseph, Buchanan
County, Missouri 63084, as a member of the Advisory Committee
for 911 Service Oversight, for a term ending April 9, 2009, and until
his successor is duly appointed and qualified; vice, Andrew
Bettman, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

James L. Wieberg, 2901 Chapel Valley, Jefferson City, Cole
County, Missouri 65109, as a member of the Missouri Genetic
Advisory Committee, for a term ending April 9, 2008, and until his
successor is duly appointed and qualified; vice, Tobias Meeker,
term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above addendum and appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 583**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 583**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof twelve new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 583** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 583**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof twelve new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 583** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583,

Page 17, Section 643.303, Line 1, by inserting at the end of said line the following: “**The decentralized emissions inspection program established by the commission shall also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term “clean screen program” shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.**”.

Senator Bray moved that the above amendment be adopted.

Senator Scott assumed the Chair.

At the request of Senator Griesheimer, **SB 583**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1084—By Gibbons.

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the sunset provision of the healthcare for uninsured children program.

SB 1085—By Kennedy, Bray, Days, Shields, Alter, Stouffer, Dougherty, Coleman and Gibbons.

An Act to repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to students self-administering medication.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 578** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **HCS** for **SCS** for **SB 578**. Representatives: Lipke, Bruns, Jackson, Rucker and Witte.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 578**: Senators Shields, Crowell, Bartle, Callahan and Kennedy.

REFERRALS

President Pro Tem Gibbons referred **SB 618** to the Committee on Governmental Accountability

and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Clement and Isaac Balasundaram, Anto Divyanathan, Vineeth Ramachandran and Kavin Paul, students from India attending Missouri State University, Springfield.

Senator Goodman introduced to the Senate, Megan and Jean Spree and Lindsay Barnes, Mt. Vernon; and Brenda Kleiboeker, Pierce City.

Senator Wilson introduced to the Senate, representatives of Missouri Chapters of Delta Sigma Theta Sorority, Incorporated.

On behalf of Senator Vogel and himself, Senator Gross introduced to the Senate, Alycia Haug, and her children, Abbey, Allison and Alexis, Jefferson City; and Abbey, Allison and Alexis were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 21, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1040-Barnitz
SB 1041-Gibbons
SB 1042-Kennedy
SB 1043-Coleman
SB 1044-Alter
SB 1045-Goodman
SB 1046-Days
SB 1047-Loudon, et al

SB 1048-Shields
SB 1049-Shields
SB 1050-Bartle
SB 1051-Bartle
SB 1052-Nodler
SB 1053-Days
SB 1054-Cauthorn
SB 1055-Cauthorn

SB 1056-Griesheimer	SB 1071-Loudon
SB 1057-Loudon	SB 1072-Loudon
SB 1058-Loudon	SB 1073-Gross
SB 1059-Kennedy	SB 1074-Loudon
SB 1060-Kennedy, et al	SB 1075-Loudon
SB 1061-Mayer	SB 1076-Goodman
SB 1062-Scott	SB 1077-Bray, et al
SB 1063-Scott	SB 1078-Bray
SB 1064-Stouffer	SB 1079-Coleman
SB 1065-Vogel	SB 1080-Coleman
SB 1066-Klindt	SB 1081-Clemens
SB 1067-Bartle	SB 1082-Shields
SB 1068-Purgason	SB 1083-Bray
SB 1069-Engler	SB 1084-Gibbons
SB 1070-Bray	SB 1085-Kennedy, et al

SENATE BILLS FOR PERFECTION

SB 629-Gross	SBs 701 & 948-Crowell, with SCS
SB 915-Koster, et al, with SCS	SBs 872, 754 & 669-Gibbons, et al,
SBs 1014 & 730-Scott and Gibbons,	with SCS
with SCS	SBs 1001, 896 & 761-Griesheimer, with
SB 744-Klindt, with SCS	SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS,	SB 690-Champion, with SCS
SS for SCS & SA 1 (pending)	SB 773-Cauthorn and Barnitz, with SCS
SBs 588, 557, 579, 563, 869, 619, 570,	SB 820-Koster, with SCS
753, 764, 782, 783 & 890-Bartle and	SB 832-Griesheimer, with SCS
Scott, with SCS	SB 849-Mayer, et al, with SS, SA 6 &
SB 596-Days	SA 1 to SA 6 (pending)
SB 644-Shields	SJR 26-Ridgeway and Graham
SB 689-Scott	

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS

SB 618-Koster (In Fiscal Oversight)
SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 840-Stouffer
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 838-Loudon and Klindt
SB 870-Mayer, with SCS
SB 892-Scott, with SCS
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott
SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 867-Graham
SB 863-Engler
SB 809-Graham
SB 760-Engler, with SCS
SB 643-Scott
SB 830-Ridgeway, et al, with SCS
SB 871-Coleman

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 578-Shields, with HCS

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

To be Referred

SCR 29-Graham

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Journal

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 21, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Goodman in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“The clever sees danger and hides.” (Proverbs 22:3)

Absent with leave—Senators—None

Almighty God, let us always be guided by wisdom that makes us discerning and clever. Help us not be so fearful as to avoid doing what is right and necessary just to avoid a mistake. Let our instincts and caution see the problems ahead and then help us work our way around them for the good of all. In Your Holy Name we pray. Amen.

Vacancies—1

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2108, regarding Daniel Edward Eshnaur, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Ridgeway offered Senate Resolution No. 2109, regarding Andrew Michael Grace, Kansas City, which was adopted.

The Journal of the previous day was read and approved.

Senator Ridgeway offered Senate Resolution No. 2110, regarding Brian George Knop, Liberty, which was adopted.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Senator Ridgeway offered Senate Resolution No. 2111, regarding Philip Shay Meeks, Liberty, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2112

WHEREAS, the Missouri Senate recognizes the importance

of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2006 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability, the Missouri Planning Council for Developmental Disabilities, and the Independent Living Resource Center of Jefferson City, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, hereby grant the 2006 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 25, 2006, from 1:00 p.m. to 4:00 p.m. for the purpose of holding a mock legislative session.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2112** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2112** was adopted.

Senator Ridgeway offered Senate Resolution No. 2113, regarding Harry Fulghum, which was adopted.

Senator Graham offered Senate Resolution No. 2114, regarding Korey Luke Kaufman, Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 2115, regarding Marsha A. Taylor, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2116, regarding Shirley A. Brumley, Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1086—By Kennedy.

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to

maximum amounts of compensation for police officers, with an emergency clause.

PRIVILEGED MOTIONS

Senator Shields moved that the conference be dissolved on **HCS** for **SCS** for **SB 578** and that the Senate request the House to recede from its position and take up and pass the bill, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 583**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

President Kinder assumed the Chair.

Senator Griesheimer offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 1, Section 643.303, Line 4, of said amendment, by striking the word "shall" and inserting in lieu thereof "**may**".

Senator Griesheimer moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Shields announced that members of the State Highway Patrol had been given permission to enter the Chamber with side arms.

On motion of Senator Griesheimer, **SA 1** to **SA 1** was adopted.

SA 1, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583,

Page 41, Section 643.350, Line 24, by inserting after all of said line the following:

“643.353. Beginning January 15, 2008, and annually thereafter, the department of natural resources shall submit a report to the governor and general assembly that describes the overall effectiveness of the decentralized emissions inspection program. Such report shall be based upon the latest available data, including data derived from EPA model analysis. The report shall contain an interpretative analysis detailing whether or not the ambient air quality achieved by the decentralized emissions inspection program exceeds the ambient air quality achieved by the current centralized emissions inspection program.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Chamber today.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 40, Section 643.350, Lines 14-23 of said page, by striking all of said lines and inserting in lieu thereof the following: **“shall not exceed twenty-four dollars.”**.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 3** was withdrawn.

Senator Gross offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate

Committee Substitute for Senate Bill No. 583, Page 23, Section 643.310, Line 22 of said page, by striking the word “seven” and inserting in lieu thereof the following: **“three”**.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 4** was withdrawn.

Senator Gross offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 40, Section 643.350, Line 23, by inserting immediately after the word “public.” the following:

“No fee adjustment pursuant to this section shall go into effect until such adjustment is approved by the joint committee on administrative rules.”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 41, Section 643.350, Line 24, by inserting immediately after all of said line the following:

“Section 1. The motor vehicle safety inspection program established under sections 307.350 to 307.402, RSMo shall expire January 1, 2007.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Griesheimer,

SB 583, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on **HCS** for **SCS** for **SB 578**, and has again taken up and passed **SCS** for **SB 578**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 17**.

HOUSE CONCURRENT RESOLUTION NO. 17

WHEREAS, the United States Fish and Wildlife Service has mandated a man-made “spring rise” for the Missouri River that is purportedly necessary for the survival of the pallid sturgeon, an endangered species; and

WHEREAS, accurately controlling upstream discharges for the “spring rise” is extremely difficult because Missouri weather and flooding are unpredictable, as evidenced by the Missouri River’s rise of nine feet in less than eighteen hours twice during a drought period in June of 2005; and

WHEREAS, once water is released for the “spring rise” there are no intervening dams or locks to halt the rise during the ten-day travel time from Gavins Point Dam in South Dakota to St. Louis, Missouri, thereby increasing the risk that such a rise would compound flooding problems resulting from a major rain event; and

WHEREAS, Federal agencies should not be implementing plans that are known to harm Missouri’s farmers solely for the purposes of an experiment to determine whether the “spring rise” will trigger spawning of the pallid sturgeon; and

WHEREAS, a “spring rise” will potentially exacerbate drainage problems on agricultural land which could delay crop planting, destroy crops, and require additional pumping at additional costs for Missouri farmers; and

WHEREAS, by using water in the spring that is needed to support navigation and other uses in the summer, a “spring rise” will shorten the navigation season during times of water shortages

causing additional financial burdens on shippers, commercial carriers, and producers; and

WHEREAS, Missouri infrastructure, communities, businesses, farmers, ranchers and the economy all will be put at an increased risk of flooding in the event of a “spring rise”; and

WHEREAS, it is unjust for Missouri consumers, communities, businesses, commercial carriers, farmers and ranchers to bear any additional direct or indirect costs for an unproven experimental plan; and

WHEREAS, many businesses and residential communities along the Missouri River suffered great devastation after the flood of 1993; the intentional flooding of the river through a “spring rise” enhances the risk that such destruction will once again visit these communities, making it harder and ultimately less attractive to rebuild; and

WHEREAS, the economic responsibilities that individual families and businesses have to bear in the face of a devastating flood, like that in 1993, are enormous; to compound and confuse that responsibility with the uncertainties that accompany a “spring rise” places a heavier burden on the backs of those families and businesses:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby concur with the Governor of the State of Missouri that all reasonable and necessary action should be taken to prevent the planned man-made “spring rise”; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, respectfully encourage the United States Army Corps of Engineers not to implement an artificial “spring rise,” which would increase the risk of flooding for Missourians, thereby being in violation of the 8th U.S. Circuit Court of Appeals’ recent ruling, which held that flood control and navigation are the dominant uses of the Missouri River; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copies of this resolution for the Governor of Missouri and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Gibbons referred **SCR 29** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1040—Economic Development, Tourism and Local Government.

SB 1041—Pensions, Veterans' Affairs and General Laws.

SB 1042—Ways and Means.

SB 1043—Financial and Governmental Organizations and Elections.

SB 1044—Transportation.

SB 1045—Judiciary and Civil and Criminal Jurisprudence.

SB 1046—Pensions, Veterans' Affairs and General Laws.

SB 1047—Judiciary and Civil and Criminal Jurisprudence.

SB 1048—Transportation.

SB 1049—Pensions, Veterans' Affairs and General Laws.

SB 1050—Judiciary and Civil and Criminal Jurisprudence.

SB 1051—Judiciary and Civil and Criminal Jurisprudence.

SB 1052—Judiciary and Civil and Criminal Jurisprudence.

SB 1053—Pensions, Veterans' Affairs and General Laws.

SB 1054—Transportation.

SB 1055—Governmental Accountability and Fiscal Oversight.

SB 1056—Economic Development, Tourism and Local Government.

SB 1057—Small Business, Insurance and Industrial Relations.

SB 1058—Transportation.

SB 1059—Transportation.

SB 1060—Ways and Means.

SB 1061—Pensions, Veterans' Affairs and General Laws.

SB 1062—Judiciary and Civil and Criminal Jurisprudence.

SB 1063—Aging, Families, Mental and Public Health.

SB 1064—Economic Development, Tourism and Local Government.

SB 1065—Pensions, Veterans' Affairs and General Laws.

SB 1066—Commerce, Energy and the Environment.

SB 1067—Financial and Governmental Organizations and Elections.

SB 1068—Ways and Means.

SB 1069—Financial and Governmental Organizations and Elections.

SB 1070—Commerce, Energy and the Environment.

SB 1071—Small Business, Insurance and Industrial Relations.

SB 1072—Economic Development, Tourism and Local Government.

SB 1073—Transportation.

SB 1074—Small Business, Insurance and Industrial Relations.

SB 1075—Small Business, Insurance and Industrial Relations.

SB 1076—Aging, Families, Mental and Public Health.

SB 1077—Financial and Governmental Organizations and Elections.

SB 1078—Commerce, Energy and the Environment.

SB 1079—Transportation.

SB 1080—Economic Development, Tourism and Local Government.

SB 1081—Agriculture, Conservation, Parks and Natural Resources.

SB 1082—Small Business, Insurance and Industrial Relations.

SB 1083—Financial and Governmental Organizations and Elections.

SB 1084—Pensions, Veterans' Affairs and General Laws.

SB 1085—Education.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, former State Representative, Alderman Bruce Holt, St. Peters.

Senator Mayer introduced to the Senate, Ben Counts and fifteen eighth grade students from Caruthersville Middle School; and Hannah and Melanie Chambers, Christa Bradley, Aundria Motton and John Gale were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Ed Weisbart, M.D., Olivette.

Senator Kennedy introduced to the Senate, Helen Finegar, Oakville.

Senator Scott introduced to the Senate, Herb Harmann, Tom Sneed and Physical Therapy Students from Southwest Baptist University, Bolivar.

Senator Gross introduced to the Senate, former State Representative Joe Ortwerth and former State Senator Steve Ehlmann, St. Charles County.

Senator Scott introduced to the Senate, Zachary and Kim Adams, Nicole and Lisa Lee, Zack, Debbie and David Preston, Marti Albin, Lane Compton, Brooklyn and Dain Sisk, Riley

Cook and Robin Dicket, parents and fourth grade students from Clinton Christian Academy, Clinton.

Senator Clemens introduced to the Senate, 2005-2006 State FFA Officers, Mallory Ferguson, Craig; Zach Kinne, Eagleville; Miranda Leppin, Milan; Kyle Allen, Hawk Point; Jessie Murry, Odessa; Amanda Davenport, Eldon; Stephanie Matthews, Carthage; Joey Stokes, Brighton; Jordan Haymes, Mt. Vernon; Phoebe Wiles, Willow Springs; Michael Ockerhausen, Warrenton; and Zackary Ruesler, Jackson.

Senator Kennedy introduced to the Senate, Kay Giesing, Jean Radice and Susan Schmidt, St. Louis County.

Senator Wheeler introduced to the Senate, Leaders, Justin Stanley, Jeff Simon, Lynn Hire, Lisa Leslie and Nancy Calvano; and Scouts, Robbie Adelman, Ben Calvano, Addison Degen, Jason Gregory, Jackson Griffin, Ben Hire, Marcel Karczewski, Jack Leslie, Max Linscott, Paul Logan, Andrew Martucci, Alex Murfey, Chris Oest, Joseph Simon, Sam Sizemore-Dieterich and Matt Stanley, members of St. Peter's Pack 118 Cub Scouts, Kansas City; and Robbie, Ben, Addison, Jason, Jackson, Ben, Marcel, Jack, Max, Paul, Andrew, Alex, Chris, Joseph, Sam and Matt were made honorary pages.

Senator Green introduced to the Senate, Deborah Tatoian and her children, Samantha, Ralph and Maxwell, Gloria Durbala, Ralph and Sandy Tatoian, Michael Rush, Lieutenant LeeAnn Kenley, Sergeant Marc McCalister and Captain Greg Kindle, St. Louis County; and Samantha and Ralph were made honorary pages.

Senator Engler introduced to the Senate, Richard and Donna Lewis, Richard Lewis, II, Rachael, Angie Korn and Paul Bradley Lewis, II, Farmington; and Paul Bradley was made an honorary page.

Senator Purgason introduced to the Senate, Brandon Scheidt, Nyke Edos, Kalyn McGee, Lauren Harvey, Kristi Vandeloecht, Mychelle

Gaynor, Brigid Daly, Danielle Price, Angie Boyd, Shelly Sugg, Dana Haire, Scott Dye, Ashlie LeAn, Racquel Rosenthal, Danielle Boehm, Krystal Kinzey, Dana Williams, Keisha Lawson and Lori

Smith, Physical Therapy Students.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 22, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1086-Kennedy

SENATE BILLS FOR PERFECTION

SB 629-Gross

SB 915-Koster, et al, with SCS

SBs 1014 & 730-Scott and Gibbons, with SCS

SB 744-Klindt, with SCS

SBs 701 & 948-Crowell, with SCS

SBs 872, 754 & 669-Gibbons, et al, with SCS

SBs 1001, 896 & 761-Griesheimer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS
& SS for SCS (pending)

SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS

SB 596-Days

SB 644-Shields

SB 689-Scott

SB 690-Champion, with SCS

SB 773-Cauthorn and Barnitz, with SCS

SB 820-Koster, with SCS

SB 832-Griesheimer, with SCS

SB 849-Mayer, et al, with SS, SA 6
& SA 1 to SA 6 (pending)

SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS

SB 618-Koster (In Fiscal Oversight)
SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 840-Stouffer
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 838-Loudon and Klindt
SB 870-Mayer, with SCS
SB 892-Scott, with SCS
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott
SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 867-Graham
SB 863-Engler
SB 809-Graham
SB 760-Engler, with SCS
SB 643-Scott
SB 830-Ridgeway, et al, with SCS
SB 871-Coleman

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

To be Referred

HCR 17-Quinn, et al

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Unofficial

Journal

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 22, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"In my integrity you hold me fast, and shall set me before your face forever." (Psalm 41:12)

Gracious Lord, we are challenged everyday in so many ways to not hold fast to what You would have us do. It is a daily struggle and we are not always up to the task so we pray to give us strength to not betray our sense of self and keep the quality of our being sound and firm in Your teachings. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2117, regarding Dick Jones and A Sporting Chance, Springfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 2118, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Bill Gaines, Macon, which was adopted.

Senator Crowell offered Senate Resolution No. 2119, regarding Rebecca Koeller, Jackson, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1087—By Ridgeway and Mayer.

An Act to repeal sections 404.051, 404.550,

404.714, 456.1-103, 456.1-105, 456.1-110, 456.1-112, 456.2-204, 456.3-301, 456.3-304, 456.4-401, 456.4-402, 456.4A-411, 456.4B-411, 456.5-501, 456.5-504, 456.5-506, 456.7-703, 456.8-813, 456.8-814, 456.8-816, 473.333, 473.787, 475.092, 475.130, and 475.190, RSMo, and to enact in lieu thereof twenty-seven new sections relating to the Missouri uniform trust code.

SB 1088—By Engler.

An Act to repeal sections 168.114, 168.116, 168.118, and 168.120, RSMo, and to enact in lieu thereof five new sections relating to public school teachers.

SB 1089—By Loudon.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income tax exemptions for military pensions, with an effective date.

SB 1090—By Koster, Vogel and Griesheimer.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax exemption for broadcasting equipment.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 583**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 583**, as amended, was again taken up.

Senator Gross offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 41, Section 643.350, Lines 8-9 of said page by striking the words “director of revenue” and inserting in lieu thereof the following: “**state treasurer**”; and further amend said bill, page, and section, line 10 of said page, by striking the words “director of revenue” and inserting in lieu thereof

the following: “**state treasurer**”; and further amend said bill, page, and section, line 19 of said page, by inserting at the end of said line the following: “**If in the immediate previous fiscal year, the state's general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January 1 of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.**”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

At the request of Senator Griesheimer, **SB 583**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Gross moved that **SB 629** be taken up for perfection, which motion prevailed.

On motion of Senator Gross, **SB 629** was declared perfected and ordered printed.

SB 915, with **SCS**, was placed on the Informal Calendar.

SB 1014 and **SB 730**, with **SCS**, were placed on the Informal Calendar.

Senator Klindt moved that **SB 744**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 744**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 744

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption on motor fuel used for agricultural purposes.

Was taken up.

Senator Klindt moved that **SCS** for **SB 744** be adopted.

Senator Koster assumed the Chair.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 744, Page 10, Section 144.030, Line 327, by inserting immediately after said line the following:

“144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for: (1) a county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or (2) an organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or (3) any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or (4) any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; **or (5) after June 30, 2007: (a) the department of transportation; or (b) the state highways and transportation commission**, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on

materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

- (1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;
- (2) The project location, description, and unique identification number;
- (3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;
- (4) The estimated project completion date; and
- (5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on

behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed

in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCS for SB 744**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS for SB 744**, as amended, was declared perfected and ordered printed.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Chamber today.

Senator Crowell moved that **SB 701** and **SB 948**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 701 and 948, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 701 and 948

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof one new section relating to national guard member educational assistance grants.

Was taken up.

Senator Crowell moved that **SCS for SBs 701 and 948** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SBs 701** and **948**, was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 773**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 773**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 773

An Act to repeal sections 274.110 and 348.432, RSMo, and to enact in lieu thereof three new sections relating to agriculture.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 773** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 773**, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 36** entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to exemption of personal property for active duty military personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 28** entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of veterans' organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 12** entitled:

HOUSE CONCURRENT RESOLUTION NO. 12

Relating to the designation of hepatitis C awareness day in Missouri.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, five million Americans have been infected with the Hepatitis C virus (HCV) according to the Centers for Disease Control and Prevention, which contributes to approximately 8,000 to 10,000 deaths each year; and

Whereas, it is estimated that 130,000 Missourians are infected with HCV. Such number does not include incarcerated persons, homeless persons, hospitalized persons, active duty military personnel, nursing home residents, and illegal immigrants; and

Whereas, the Centers for Disease Control and Prevention has reported that HCV is associated with end stage liver disease and is the most frequent indication for liver transplantation among adults in the United States; and

Whereas, HCV is spread five times more often than HIV, with many persons infected with HCV unaware because HCV is asymptomatic until advanced liver damage develops; and

Whereas, each year 1% to 4% of persons infected with HCV will develop liver cancer. As the only cancer on the rise, the incidence of liver cancer has more than doubled and is expected to more than double again in the next decade; and

Whereas, the HCV epidemic is expected to result in 3.1 million years of life lost by 2019 and, if left unchecked, the estimated costs to the United States to treat HCV will exceed \$85 billion for the years 2010 to 2019; and

Whereas, awareness of testing and counseling is critical to halting the spread of blood-borne pathogens:

Now, therefore, be it resolved that the members of the House

of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby designate the tenth day of May each year as "Hepatitis C Awareness Day" in Missouri and recommend to the people of Missouri that the day be appropriately observed through activities which will increase Hepatitis C awareness, education, tolerance, and understanding; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 14**.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, cardiovascular disease is the nation's leading cause of death, with direct and indirect costs estimated to be \$403.1 billion for 2006; and

Whereas, cardiovascular disease accounts for over 37% of all deaths nationwide; and

Whereas, nearly 2500 Americans die of cardiovascular disease each day, an average of one death every 35 seconds; and

Whereas, this year it is estimated that 700,000 Americans nationwide will have a new coronary attack and an additional 500,000 Americans will have a recurrent attack, for a total of 1.2 million attacks; and

Whereas, more than 21,000 people die from cardiovascular disease in Missouri each year; and

Whereas, the research is clear that there are tools available to increase survival rates from cardiovascular disease; and

Whereas, effort of the American Heart Association encourage citizens to help save lives by calling 9-1-1 if symptoms occur, become trained in cardiopulmonary resuscitation (CPR), and encourage comprehensive automated external defibrillators (AED) programs in their communities; and

Whereas, the American Heart Association is celebrating February 2006 as American Heart Month and promoting education and awareness by encouraging citizens to learn the warning signs of heart attack and stroke:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, in acknowledgment of the American Heart Association's celebration, hereby recognizes

February 2006 as American Heart Month in Missouri and the importance of the ongoing fight against heart disease; and

Be it further resolved that the General Assembly encourages all Missouri citizens to recognize the critical importance of tools and skills that will increase survival rates from cardiac arrest. By incorporating these tools into aggressive programs, thousands of lives can be saved each year.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 15**.

HOUSE CONCURRENT RESOLUTION NO. 15

Whereas, the Food Stamp Program serves as the first line of defense against hunger in this country by enabling low-income families to buy nutritious food with coupons and electronic benefits transfer cards; and

Whereas, the Food Stamp Program is the cornerstone of the federal food assistance programs and provides crucial support to needy households by allowing recipients to spend their benefits to buy eligible food in authorized retail food stores; and

Whereas, most food stamp rules apply to all households, but there are a few special rules for households that have an elderly or disabled member. Under the Program, a person is considered elderly if he or she is 60 years of age or older; and

Whereas, for 2006, a household with an elderly member may have up to \$3000 in resources as compared to a household without an elderly member which may have up to \$2000 in resources. In addition to the resource limits, there is a monthly gross income test and a monthly net income test to maintain eligibility; and

Whereas, in addition to the allowable deductions for all households, the elderly receive a deduction for allowable medical costs paid by the elderly member that are more than \$35 a month. The allowable medical costs include most medical and dental expenses, such as doctor bills, prescription drugs and other over-the-counter medication when approved by a doctor, dentures, hospital expenses, nursing care, some transportation costs, attendant care, and health insurance premiums; and

Whereas, while the allowed deductions and exclusions are certainly helpful in allowing the elderly to receive the needed food assistance, one of the largest expenditures made by the elderly is not included in those deductions or exclusions. Many of the elderly have and will continue to experience large heating bills this winter, with some estimates suggesting that heating expenditures may more than double this year; and

Whereas, many low-income elderly people will be forced to

choose between paying the heating bill and buying food; and

Whereas, due to the unique needs of low-income elderly created by the skyrocketing price of heating fuels, a waiver or amendment to the administrative oversight for the federal Food Stamp Program is needed to ensure that the necessary food assistance is available to our most vulnerable citizens:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Congress and the United States Department of Agriculture to waive or amend the administrative oversight for the federal Food Stamp Program to increase the availability of food assistance for our low-income elderly citizens; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Mike Johanns, the Secretary of the United States Department of Agriculture and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Gibbons referred **HCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 629**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senator Coleman offered Senate Resolution

No. 2120, regarding the death of Major Michael Martinez, Fort Carson, Colorado, which was adopted.

Senator Klindt offered Senate Resolution No. 2121, regarding Jamie Slaten, Clearmont, which was adopted.

Senator Loudon offered Senate Resolution No. 2122, regarding Joshua Adam Topper, Grover, which was adopted.

Senator Loudon offered Senate Resolution No. 2123, regarding Matthew Thomas Eldert, Wildwood, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Ridgeway submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 838**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 870**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 892**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after

examination of **SB 643**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 867**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 701** and **948**; **SCS** for **SB 744**; and **SCS** for **SB 773**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SB 629** and **SCS** for **SB 744** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, Sky Miller, Whiteman AFB, Knob Knoster.

Senator Shields introduced to the Senate, Dirck Clark and his daughter, Emily, Savannah.

Senator Shields introduced to the Senate, Derek Frieling and students Kaytlinn Presnell, Jeremy Reser, Jenni Bowman and Jess Chrisman, Lafayette High School, St. Joseph.

Senator Gibbons introduced to the Senate, representatives from Alternative Hospice, AmHeart Hospice, Bethesda Hospice, BJC Hospice, Heartland Hospice, Jefferson Memorial Hospital Hospice, Pathways Community Hospice, SSM Hospice, St. Anthony's Hospice, Unity Health Hospice and VNA Hospice Care, St. Louis.

Senator Cauthorn introduced to the Senate,

Sarah Schmidt and Mindy Manness, students from Truman State University, Kirksville.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, M.D. and his granddaughter, Olivia Garlick, Osceola.

Senator Scott introduced to the Senate, John Trainer, Osceola.

Senator Scott introduced to the Senate, Rick Cook, Principal Chris Ford and eighth grade students from Weaubleau Elementary School.

Senator Loudon introduced to the Senate, Vicky Ambrose, Defiance; and Sylvia Niederschmidt, Chesterfield.

Senator Green introduced to the Senate, Lieutenant Mary Edwards-Fears, Sergeant Michael Fears and their son, Michael, Florissant; and Michael was made an honorary page.

Senator Nodler introduced to the Senate, Heather Neil and Chalaine Bell, Carthage; and Karen Lane, St. Charles.

Senator Crowell introduced to the Senate, Billy Bess, Cape Girardeau.

Senator Bray introduced to the Senate, Tom and Beverly Armstrong, Richmond Heights.

Senator Barnitz introduced to the Senate, Diane Oldfather, Warren DuBois, Michelle King and students of the Respiratory Therapy Program, Rolla Technical Center.

Senator Gross introduced to the Senate, Diane Bolderson, Larry Lund, Brent Vanconia, Jeffrey Chapple, Mary Ann Mitchell, Louis Viviano, Russ Craven, Patsy Molina, Emily Weber, Jon Easterling, Jay Newell, Darla Wertenberger, Missy Fallert, Robert Noonan, Erin Williams, Tim Geraghty, Jim Ottomeyer, Theresa Williams, Derek Grier, Gwen Payne, Annie Schulte, Kim Grothaus, Stephen Phelps, Allen Bacher, Kenneth Gumper, Scott Shipman, Kathy Halstead, Beth Smith, Joe Hogan, Bruce Sowatsky, Kimberly Hurst, Sharon Stormer, Tom Kelly, Brenda Suit,

Dawn Lissner and Lillie Thomas, representatives of St. Charles County Vision Leadership.

Senator Green introduced to the Senate, former State Representative Dick Franklin and his wife, Annie, Kansas City.

Senator Stouffer introduced to the Senate, fourth grade students from Atlanta Elementary School.

Senator Goodman introduced to the Senate, Rick and Donna Lawson and Mary Nunley,

Michael Bohanan, Trey Phillips, Holley Skinner, Keisha Catron, Aereole Garza, Brittney Linenbrink, Chelsi Willyard, Cassie Litsch, Patty Rhoads and Tyne Rabourn, students from Cassville High School.

Senator Green introduced to the Senate, Margo McNeil, Carrie Barthelmass, Karen Doering and Jennifer Vaughn, teachers from the Ferguson Florissant School District.

On motion of Senator Nodler, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 23, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1086-Kennedy and Coleman
SB 1087-Ridgeway and Mayer
SB 1088-Engler

SB 1089-Loudon
SB 1090-Koster, et al

HOUSE BILLS ON SECOND READING

HCS for HJR 36

HJR 28-Jackson

THIRD READING OF SENATE BILLS

SB 629-Gross (In Fiscal Oversight)
SCS for SBs 701 & 948-Crowell

SCS for SB 744-Klindt (In Fiscal Oversight)
SCS for SB 773-Cauthorn and Barnitz

SENATE BILLS FOR PERFECTION

SBs 872, 754 & 669-Gibbons, et al,
with SCS

SBs 1001, 896 & 761-Griesheimer,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with
SCS & SS for SCS (pending)
SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS
SB 596-Days
SB 644-Shields
SB 689-Scott
SB 690-Champion, with SCS

SB 820-Koster, with SCS
SB 832-Griesheimer, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SB 915-Koster, et al, with SCS
SBs 1014 & 730-Scott and Gibbons, with
SCS
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS

SB 618-Koster (In Fiscal Oversight)
SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 840-Stouffer
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott
SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 863-Engler
SB 809-Graham
SB 760-Engler, with SCS
SB 830-Ridgeway, et al, with SCS
SB 871-Coleman

Unofficial
RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

To be Referred

HCR 12-Portwood
HCR 14-Schlottach, et al

HCR 15-Jetton, et al

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Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 23, 2006

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

Reverend Carl Gauck offered the following prayer:

“Teach me your way, O Lord, that I may walk in your truth; give me an undivided heart to revere your name.” (Psalm 86:11)

Gracious and loving God, as we return to our homes this day, we ask for the gift to walk in Your right pathways so that our family living and worship hold fast to Your teachings. And we pray that we will use this time to reconnect with loved ones and rest for the increased pressures and work ahead of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from News 20, St. Louis, were given permission to take pictures in the Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman

Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

Absent—Senators—None

Absent with leave—Senators

Bartle Koster—2

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 2124, regarding the Columbia Special Business District, which was adopted.

Senator Barnitz offered Senate Resolution No. 2125, regarding Thomas R. Jackson, Waynesville, which was adopted.

Senator Klindt offered Senate Resolution No. 2126, regarding Captain Bryant Kagay, Maysville High School LifeSmarts Team, which was adopted.

Senator Klindt offered Senate Resolution No. 2127, regarding Coach Kathy Kagay, Maysville High School LifeSmarts Team, which was

adopted.

Senator Klindt offered Senate Resolution No. 2128, regarding Heather Niece, Maysville High School LifeSmarts Team, which was adopted.

Senator Klindt offered Senate Resolution No. 2129, regarding Allison Miller, Maysville High School LifeSmarts Team, which was adopted.

Senator Klindt offered Senate Resolution No. 2130, regarding Zack Armstrong, Maysville High School LifeSmarts Team, which was adopted.

Senator Klindt offered Senate Resolution No. 2131, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Gay, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 2132, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Lee Carmack, Galt, which was adopted.

Senator Klindt offered Senate Resolution No. 2133, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Roy Woodrow Jackson, Trenton, which was adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES

Senator Gross offered the following remonstrance, which was read:

SENATE REMONSTRANCE NO. 1

WHEREAS, on February 9, 2006, the Attorney General for the state of Missouri held a public hearing in St. Louis for the purpose of examining the proposed sale and transfer of assets by the Missouri Higher Education Loan Authority (MoHELA); and

WHEREAS, the Attorney General has publicly promised to hold more hearings on the same subject around the state; and

WHEREAS, the General Assembly has no knowledge of any prior hearings held by the Attorney General to investigate any other public governmental entity regarding the performance of its statutory duties; and

WHEREAS, in December 2005, three University of Missouri Curators raised questions about potential violations of the sunshine law. However, the Attorney General did not hold a public hearing to investigate such allegations. The Attorney General stated that the potential violations were an "internal dispute" that did not require

further investigation; and

WHEREAS, such inconsistency in the desire of the Attorney General to hold hearings to investigate other public governmental entity raises questions about the motivation of the Attorney General in holding public hearings regarding MoHELA; and

WHEREAS, employees of the Attorney General were present at the hearing in St. Louis and state resources were expended in order to hold such hearing, despite the fact that no authority exists for the Attorney General to hold public hearings to investigate the actions of another public governmental entity; and

WHEREAS, the Attorney General has stated that one of the main purposes for his series of hearings is to determine "how the proceeds will be used and how it will further the mission of MoHELA", as well as to see "that the proceeds (of the MoHELA sale) are used appropriately"; and

WHEREAS, the Attorney General lacks any authority to investigate policy decisions by a public governmental entity; and

WHEREAS, it is the constitutional responsibility of the General Assembly, through the appropriation process, to ensure that state funds are used appropriately; and

WHEREAS, the Attorney General's intrusion in the responsibilities of the legislative branch again raises the question of the motivation of the Attorney General:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrates against the Attorney General for his disregard of the proper role of his office, for his intrusion in the proper functions of the legislative branch, and for the improper insertion of his office into a policy decision by a public governmental entity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Missouri Attorney General.

President Kinder assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS for SCS for SB 578**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed

copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 578**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1091—By Ridgeway.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri prescription drug price website.

SB 1092—By Klindt.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the broadband Internet protection act.

SB 1093—By Gross.

An Act to repeal section 8.420, RSMo, and to enact in lieu thereof one new section relating to the amount of revenue bonds issued by the board of public buildings.

SB 1094—By Champion.

An Act to repeal sections 71.790, 71.796, and 71.798, RSMo, and to enact in lieu thereof three new sections relating to special business districts.

SB 1095—By Engler.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to peace officers.

SB 1096—By Bray.

An Act to amend chapter 389, RSMo, by adding thereto six new sections relating to the local

community rail security act of 2006, with penalty provisions.

SB 1097—By Coleman.

An Act to repeal sections 84.120 and 84.170, RSMo, and to enact in lieu thereof two new sections relating to the St. Louis board of police commissioners.

SB 1098—By Wilson, Coleman, Days, Dougherty and Bray.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for service as a poll worker.

SB 1099—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto eleven new sections relating to licensure of clinical laboratory science personnel, with penalty provisions.

SB 1100—By Clemens, Goodman, Mayer, Klindt, Purgason, Stouffer, Barnitz and Coleman.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing livestock.

SB 1101—By Griesheimer.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest tax for funding the promotion of tourism.

SB 1102—By Alter.

An Act to repeal sections 67.320 and 227.559, RSMo, and to enact in lieu thereof two new sections relating to county ordinances.

SB 1103—By Goodman.

An Act to repeal section 354.430, RSMo, and to enact in lieu thereof one new section relating to the issuance of health insurance coverage evidence.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee

on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 629** and **SCS for SB 744**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 780**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 816**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 585**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 646**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 965**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 566**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which were referred **SB 665** and **SB 757**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 643**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 806**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SRB 848**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 901**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 964**, begs leave to report that it has considered the same and recommends that the bill

do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 990**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 916**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 938**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 667**, **SB 704**, **SB 941**, **SB 956** and **SB 987**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 953**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 779**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 735**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Coleman offered the following resolution:

SENATE RESOLUTION NO. 2134

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2006, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-Third General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12 Noon on June 27, 2006.

Senator Coleman requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2134** up for adoption, which request was granted.

On motion of Senator Coleman, **SR 2134** was adopted.

Senator Crowell offered Senate Resolution

No. 2135, regarding Rodney Gross, which was adopted.

Senator Crowell offered Senate Resolution No. 2136, regarding Cecile Tuller, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 2137, regarding Ken Tomlinson, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 2138, regarding the Madison Inn Lodge, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 2139, regarding Donna and Ivan Kranjec, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 2140, regarding Lauren Boland, which was adopted.

Senator Crowell offered Senate Resolution No. 2141, regarding Dr. Kelly Burlison, which was adopted.

Senator Goodman assumed the Chair.

THIRD READING OF SENATE BILLS

SB 629, introduced by Senator Gross, entitled:

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for highway construction materials.

Was taken up.

On motion of Senator Gross, **SB 629** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer

Vogel—25

NAYS—Senators

Bray	Days	Dougherty	Kennedy
Wheeler	Wilson—6		

Absent—Senators—None

Absent with leave—Senators

Bartle	Koster—2
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Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Valeri J. Lane and Joseph “Joe” L. Ulveling, as members of the Coordinating Board for Early Childhood Development;

Also,

James T. “Jamie” Frakes, Republican, as a member of the Hazardous Waste Management Commission;

Also,

Kathie A. Miller, as a member of the State Committee for Social Workers;

Also,

Mary E. Edwards-Fears, as a member of the Peace Officer Standards and Training Commission;

Also,

Anthony P. Arton, as student representative of Central Missouri State University Board of Governors;

Also,

Sarah R. Murray, Democrat, as a member of the Missouri Women’s Council;

Also,

Harold C. Callaway, III, as a member of the Missouri Western State University Board of Governors;

Also,

Kelly R. Forck, Democrat, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Richard D. James, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Frances Arlene Hogue, Republican, as a member of the Missouri Board for Respiratory Care;

Also,

James R. Bracht, as a member of the Linked Deposits Review Committee;

Also,

David C. Zimmermann, Democrat, as a member of the Missouri Commission on Human Rights;

Also,

Julius K. Hunter, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Reid K. Forrester, Republican, as a member of

the Board of Probation and Parole;

Also,

Michael L. Nichols, as a member of the State Board of Optometry.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SBs 701** and **948** entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 701 and 948

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof one new section relating to national guard member educational assistance grants.

Was taken up by Senator Crowell.

On motion of Senator Crowell, **SCS** for **SBs 701** and **948** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Koster—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 578**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and corrected **SCS** for **SB 578**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

THIRD READING OF SENATE BILLS

SCS for **SB 744**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 744

An Act to repeal sections 144.030 and 144.062, RSMo, and to enact in lieu thereof two new sections relating to a sales tax exemption on motor fuel used for agricultural purposes.

Was taken up by Senator Klindt.

Senator Goodman assumed the Chair.

On motion of Senator Klindt, **SCS** for **SB 744** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—26		

NAYS—Senators

Bray	Days	Dougherty	Wheeler
Wilson—5			

Absent—Senators—None

Absent with leave—Senators

Bartle	Koster—2
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Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 773**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 773

An Act to repeal sections 274.110 and 348.432, RSMo, and to enact in lieu thereof three new sections relating to agriculture.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SB 773** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Koster—2
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Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 583**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 583**, as amended, was again taken up.

Senator Days offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 18, Section 643.303, Line 11 of said page, by inserting after all of said line the following:

"12. Prior to September 1, 2007, the

department of natural resources shall actively promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station.”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 36, Section 643.320, Line 8 of said page, by inserting after all of said line the following:

“7. The commission shall design and furnish each official emissions inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official emissions inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each official emissions inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 16, Section 643.303, Line 24, by inserting at the end of said line the following: **“Prior to January 1, 2007, the department of natural resources shall issue a report to the general assembly and the governor regarding the progress of implementing the decentralized emissions inspection program. The report shall include, but not be limited to, a summary describing how many inspection stations or individuals the department expects to participate in the program and how many inspection stations or individuals will be qualified by September 1, 2007, to conduct such emissions inspections.”.**

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 39, Section 643.335, Line 24, by inserting after said line the following:

“8. The commission may establish, by rule, a waiver amount which may be lower for owners who provide reasonable and reliable proof to the commission that the owner is financially dependant solely on state and federal disability benefits and other public assistance programs. Such proof shall be submitted to the commission thirty calendar days prior to each subsequent emissions inspection before the lowered waiver amount is allowed. For the purposes of this section, “reasonable and reliable proof” shall mean government issued documentation providing explanation of said customer's disability and financial assistance with regard to personal income.”.

Senator Bray moved that the above

amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 583**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 583**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **HCR 14** and **HCR 15** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 12—Rules, Joint Rules, Resolutions and Ethics.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 578**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to

the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Doug Smith, Farmington.

Senator Gross introduced to the Senate, the Physician of the Day, Dr. Rick Bowen, MD, PhD, Ballwin.

Senator Green introduced to the Senate, Mayor Norman McCourt, Black Jack.

Senator Nodler introduced to the Senate, Jim Stuart and nineteen students from Neosho High School.

Senator Klindt introduced to the Senate, Jamie Slaten, Miss Missouri Outdoors, Clearmont.

On behalf of Senator Crowell and himself, Senator Klindt introduced to the Senate, Becky Koeller, Miss Teen Missouri Outdoors, and her mother, Marty Koeller, Jackson.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 27, 2006.

SENATE CALENDAR

THIRTIETH DAY—MONDAY, FEBRUARY 27, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1086-Kennedy and Coleman
SB 1087-Ridgeway and Mayer
SB 1088-Engler
SB 1089-Loudon
SB 1090-Koster, et al
SB 1091-Ridgeway
SB 1092-Klindt
SB 1093-Gross

SB 1094-Champion
SB 1095-Engler
SB 1096-Bray
SB 1097-Coleman
SB 1098-Wilson, et al
SB 1099-Clemens
SB 1100-Clemens, et al
SB 1101-Griesheimer

SB 1102-Alter

SB 1103-Goodman

HOUSE BILLS ON SECOND READING

HCS for HJR 36

HJR 28-Jackson

SENATE BILLS FOR PERFECTION

- | | |
|---|--------------------------------------|
| 1. SBs 872, 754 & 669-Gibbons, et al,
with SCS | 6. SB 566-Dougherty, et al, with SCS |
| 2. SBs 1001, 896 & 761-Griesheimer,
with SCS | 7. SBs 665 & 757-Engler, with SCS |
| 3. SB 780-Klindt | 8. SB 643-Scott |
| 4. SB 816-Griesheimer and Coleman,
with SCS | 9. SRB 848-Bartle, with SCS |
| 5. SB 646-Griesheimer, with SCS | 10. SB 916-Koster, et al, with SCS |
| | 11. SB 938-Stouffer |
| | 12. SB 953-Engler, et al, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and Scott,
with SCS | SB 820-Koster, with SCS |
| SB 596-Days | SB 832-Griesheimer, with SCS |
| SB 644-Shields | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 689-Scott | SB 915-Koster, et al, with SCS |
| SB 690-Champion, with SCS | SBs 1014 & 730-Scott and Gibbons, with SCS |
| | SJR 26-Ridgeway and Graham |

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS

SB 641-Scott
SB 818-Scott

SB 819-Scott
SB 828-Scott
SB 678-Gross
SB 630-Gross, with SCS
SB 805-Gross

SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS

SB 618-Koster (In Fiscal Oversight)
SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 840-Stouffer
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott
SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 863-Engler
SB 809-Graham
SB 760-Engler, with SCS
SB 830-Ridgeway, et al, with SCS
SB 871-Coleman

Reported 2/23

SB 585-Champion
SB 1003-Mayer, with SCS
SB 965-Bartle
SB 806-Gross, with SCS
SB 901-Shields
SB 964-Crowell

SB 990-Vogel
SBs 667, 704, 941, 956 & 987-Engler,
with SCS
SB 779-Engler
SB 735-Crowell

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial
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Journal

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SECOND REGULAR SESSION

THIRTIETH DAY—MONDAY, FEBRUARY 27, 2006

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“You are my God; be gracious to me, O Lord, for to you do I cry all day long.” (Psalm 86:3)

We come together once again, grateful for our safe travel and the work that we have to do here. As we bear the burdens of our office, we are grateful for those who help us carry the load and help us to find ways to make easier the tasks that are before us. Help us to be mindful of our staff and the people who help us get our work done. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 23, 2006 was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Gibbons—1

Vacancies—1

President Pro Tem Gibbons was serving in the capacity of Governor.

RESOLUTIONS

Senators Dougherty and Gross offered Senate Resolution No. 2142, regarding the Twentieth Anniversary of the Saint Louis Crisis Nursery, which was adopted.

Senator Barnitz offered Senate Resolution No. 2143, regarding Ashley Kelsey, Hermann, which was adopted.

Senator Clemens offered Senate Resolution No. 2144, regarding Michael Garner, Republic, which was adopted.

Senator Loudon offered Senate Resolution No. 2145, regarding the Fiftieth Birthday of Pastor Jeff Perry, Chesterfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 2146, regarding Mr. and Mrs. Cory Wayne

Snow, which was adopted.

Senator Stouffer offered Senate Resolution No. 2147, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harrell Boedeker, Malta Bend, which was adopted.

Senator Engler offered Senate Resolution No. 2148, regarding Cody Ray Hurt, Desloge, which was adopted.

Senator Vogel offered Senate Resolution No. 2149, regarding the Retirement of Roger and Sue Henley, which was adopted.

Senator Mayer offered Senate Resolution No. 2150, regarding Tyler Harty, Bloomfield, which was adopted.

Senator Mayer offered Senate Resolution No. 2151, regarding Almon R. “Al” Coleman, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 2152, regarding William G. “Bill” Barker, Piedmont, which was adopted.

Senator Stouffer offered Senate Resolution No. 2153, regarding the death of Maurine Romjue, Memphis, which was adopted.

Senator Engler offered Senate Resolution No. 2154, regarding Lydia Marie Wills, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 2155, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Roy L. Clark, Eminence, which was adopted.

On behalf of Senator Gibbons, Senator Shields offered Senate Resolution No. 2156, regarding Steve Platte, which was adopted.

Senator Shields offered Senate Resolution No. 2157, regarding the Missouri State Teachers Association, which was adopted.

Senator Kennedy offered Senate Resolution No. 2158, regarding George Foster, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 2159, regarding the Saracino Family, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1104—By Cauthorn and Klindt.

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to funds created to assist Missouri agricultural producers.

SB 1105—By Cauthorn.

An Act to repeal section 273.405, RSMo, and to enact in lieu thereof one new section relating to the sterilization of hunting dogs.

SB 1106—By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to deer carcass removal from state highways.

SB 1107—By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing, with penalty provisions.

SB 1108—By Engler.

An Act to repeal section 208.930, RSMo, and to enact in lieu thereof one new section relating to personal care assistance services, with an emergency clause.

SB 1109—By Griesheimer.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to proving lawful presence for purposes of obtaining a driver’s license, with an emergency clause.

SB 1110—By Barnitz.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to vehicle

repossession contracts.

SB 1111—By Goodman.

An Act to repeal sections 563.011, 563.031, 563.036, and 563.041, RSMo, and to enact in lieu thereof four new sections relating to the use of force.

SB 1112—By Goodman.

An Act to repeal section 537.762, RSMo, and to enact in lieu thereof one new section relating to product seller liability, with an emergency clause.

SB 1113—By Goodman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the merchandising practices act, with an emergency clause.

SB 1114—By Goodman.

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to a standardized opening date for all public schools.

Senator Bartle assumed the Chair.

SB 1115—By Nodler.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to fiber optic networks.

SB 1116—By Stouffer.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to dispute resolution.

SB 1117—By Stouffer.

An Act to repeal section 208.792, RSMo, and to enact in lieu thereof one new section relating to the Missouri Rx plan advisory commission.

SB 1118—By Stouffer, Griesheimer and Scott.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to certification standards for law enforcement officials who enforce commercial motor vehicle

laws.

SB 1119—By Bray.

An Act to repeal section 148.400, RSMo, relating to deductions allowed to insurance companies.

SB 1120—By Bray and Engler.

An Act to amend chapters 544 and 545, RSMo, by adding thereto two new sections relating to protecting victims in sexual offense cases, with penalty provisions.

SB 1121—By Gross.

An Act to repeal sections 32.057, 285.025, and 285.233, RSMo, and to enact in lieu thereof four new sections relating to nonresident and misclassified employees on public works projects, with penalty provisions.

SB 1122—By Shields.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to conveyance of land by the board of governors of Missouri Western State University.

SB 1123—By Shields.

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to medical assistance pilot programs for the aged, blind, or disabled population.

SB 1124—By Shields.

An Act to repeal sections 334.660, 337.510, and 337.615, RSMo, and to enact in lieu thereof three new sections relating to licensing of certain professionals.

SB 1125—By Coleman.

An Act to repeal section 115.631, RSMo, and to enact in lieu thereof two new sections relating to elections, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Koster moved that **SB 915**, with SCS,

be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 915**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 915

An Act to amend chapter 393, RSMo, by adding thereto five new sections relating to the green power initiative, with an effective date.

Was taken up.

Senator Koster moved that **SCS for SB 915** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 915, Page 2, Section 393.1025, Line 11, by striking the following: “ten percent”; and further amend line 12, by striking the following: “ten percent”; and

Further amend said bill, Page 4, Section 393.1030, Line 6, by inserting after “commission” the following: “**not to exceed fifty pages**”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 915, Page 5, Section 393.1040, Line 6, by inserting immediately after said line the following:

“Section 1. During construction of any eligible renewable energy project, electrical corporations shall use apprenticeships.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 915, Page 3, Section 393.1025, Line 46, by inserting after all of said line the following:

“4. No electrical corporation shall make an application to the commission to approve or modify rate schedules to reflect decreases in residential and commercial customer usage of nonrenewable energy sources due to the increased usage of renewable energy sources.”; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 915, Page 1, Section A, Line 3, by inserting after all of said line the following:

“386.269. 1. For the purpose of this section, the following terms shall mean:

(1) “Cogeneration”, the production of two or more usable energy products from a single fuel or energy source; and

(2) “Fossil fuel electric power generation facility”, a power generation facility that uses coal, petroleum, wood, or natural gas to generate electricity.

2. To encourage the energy efficiency of electrical generation facilities in this state, a fossil fuel electric power generation facility constructed or significantly expanded in this state after August 28, 2006, shall utilize cogeneration systems to recover energy otherwise lost. The public service commission shall adopt by rule uniform standards for the interconnection of cogeneration systems to the utility grid and local distribution facilities.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Graham and Wheeler.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

NAYS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Engler
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler—23	

Absent—Senators—None

Absent with leave—Senator Gibbons—1

Vacancies—1

Senator Graham offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 915, Page 2, Section 393.1025, Lines 1-7, by striking all of said lines and inserting in lieu thereof the following:

“393.1025. 1. The department shall, in consultation with the public service commission, prescribe by rule a portfolio requirement for all retail suppliers of electrical energy, including municipal and cooperative utilities, to generate or purchase electricity generated from eligible renewable energy technologies. Such portfolio requirement shall provide that electricity from eligible renewable energy technologies shall constitute:

(1) No less than one percent of retail sales

for each supplier of electrical energy after December 31, 2008;

(2) No less than three percent of retail sales for each supplier of electrical energy after December 31, 2012;

(3) No less than six percent of retail sales for each supplier of electrical energy after December 31, 2016; and

(4) No less than ten percent of retail sales for each supplier of electrical energy in each year after December 31, 2020.

Such portfolio requirement shall apply to all suppliers of electrical energy to consumers in this state and to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state.”; and

Further amend said page and section, line 8 by striking the words “by 2020”; and

Further amend said page and section, line 11 by striking the word “objective” and inserting in lieu thereof the following: **“requirements of this section”**; and

Further amend said page and section, line 12 by striking the word “objective” and inserting in lieu thereof the following: **“requirements of this section”**; and

Further amend said page and section, line 20, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and

Further amend said section, page 3, lines 22 to 23, by striking the words “objective to determine whether it is making the required good faith effort” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 34, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 35, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 39, by striking the word “objective” and

inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 41, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 44, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and

Further amend said bill, page 4, section 393.1030, line 3, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, lines 4-5, by striking the words “demonstrating to the commission that it is making the required good faith effort”; and further amend said page, line 8, by striking the words “good faith objective” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 11, by striking the words “good faith objective” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 12, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and further amend said page, line 14, by striking the word “objective” and inserting in lieu thereof the following: **“requirement”**; and

Further amend said bill, page 4, section 393.1035, line 2, by striking the word “objectives” and inserting in lieu thereof the following: **“requirements”**; and

Further amend said section, page 5, line 8, by striking the word “objectives” and inserting in lieu thereof the following: **“requirements”**; and

Further amend said bill, page 5, section 393.1040, line 1, by striking the word “objectives” and inserting in lieu thereof the following: **“requirements”**.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Dougherty and Wheeler.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Engler
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—22		

Absent—Senators—None

Absent with leave—Senator Gibbons—1

Vacancies—1

Senator Dougherty offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 915, Page 1, Section A, Line 3, by inserting after all of said line the following:

“135.563. 1. This section shall be known and may be cited as the “Residential Alternative Energy Tax Credit Program”.

2. As used in this section, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Eligible costs”, expenses incurred by a taxpayer for the purchase and installation of solar electric panels, energy-efficient appliances and energy-efficient heating and cooling systems denoted by the Energy Star label, and energy-efficient windows at such taxpayer's primary residence that are not covered by an existing federal, state, or local program;

(4) “Tax liability”, the tax due under

chapter 143, RSMo, other than taxes withheld under sections 143.191 to 143.265, RSMo; and

(5) “Taxpayer”, any noncorporate taxpayer.

3. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs eligible costs for the installation of solar electric panels, energy-efficient appliances and energy-efficient heating and cooling systems denoted by the Energy Star label, developed by the United States Environmental Protection Agency, and energy-efficient windows, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or one thousand dollars. Tax credits issued under this subsection are not refundable.

4. In no event shall the aggregate amount of all tax credits allowed under this section exceed fifty thousand dollars per fiscal year. The tax credits issued under this section will be on a first-come, first-served filing basis.

5. A taxpayer shall claim a credit allowed by this section in the same taxable year as the eligible costs are incurred and at the time such taxpayer files his or her Missouri income tax return, provided that such return is filed in a timely manner.

6. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective

date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

7. The provisions of this section shall apply to all tax years beginning on or after January 1, 2007.

8. The provisions of this section shall not apply to section 23.253, RSMo, of the Missouri sunshine act.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 915, Page 1, Section A, Line 3, by inserting after all of said line the following:

“393.318. The public service commission shall, no later than January 1, 2008, promulgate rules governing the process by which any regulated supplier of electric energy develops and implements a rebate program offered to any customer who switches from an electric hot water heater to a solar hot water heater. Such a program shall be voluntary for any regulated supplier of electric energy and once started, may be discontinued in a manner prescribed by commission rule.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Wheeler.

SA 7 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
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Dougherty	Graham	Kennedy	Wilson—8
NAYS—Senators			
Alter	Bartle	Callahan	Cauthorn
Champion	Crowell	Engler	Goodman
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler—23	

Absent—Senator Clemens—1

Absent with leave—Senator Gibbons—1

Vacancies—1

Senator Bray offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 915, Page 4, Section 393.1030, Line 2, by striking the words “a biennial” and inserting in lieu thereof the following: “**an annual**”; and further amend line 17 of said page by striking “biennially” and inserting in lieu thereof the following: “**annually**”; and further amend line 26 of said page by striking the words “a biennial” and inserting in lieu thereof the following: “**an annual**”; and further amend line 29 of said page by striking the words “a biennial” and inserting in lieu thereof the following: “**an annual**”; and further amend line 31 by striking the word “biennial” and inserting in lieu thereof the following: “**annual**”.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Kennedy, Wheeler and Wilson.

SA 8 failed of adoption by the following vote:

YEAS—Senators			
Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Gross	Kennedy	Wilson—11	

NAYS—Senators			
Alter	Bartle	Cauthorn	Champion

Crowell	Engler	Goodman	Griesheimer
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler—20

Absent—Senator Clemens—1

Absent with leave—Senator Gibbons—1

Vacancies—1

Senator Koster moved that **SCS** for **SB 915**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 915**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 583**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 23, 2006

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 578 entitled:

AN ACT

To amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

On February 23, 2006, President Pro Tem Michael R. Gibbons, while serving as Acting Governor, with my permission approved said Senate Committee Substitute for Senate Bill No. 578.

Respectfully submitted,

MATT BLUNT

Governor

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 2160, regarding Ginny Fuldner, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 2161, regarding Sharon Sumners, Aurora, which was adopted.

Senator Goodman offered Senate Resolution

No. 2162, regarding Eric Seifried, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 2163, regarding Mark E. Nelson, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 2164, regarding Rick Mayse, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, former State Senator Harold Caskey and his wife, Kay, Butler.

Senator Kennedy introduced to the Senate, De'Sir'ee H. Johnson, Eloviano Agobe, Joy Stevens, LaKesha Dean and Tamika Galvin, St. Louis.

On behalf of Senator Gross, the President introduced to the Senate, Heather Franklin, St. Charles.

Senator Engler introduced to the Senate, Michael Gott, Farmington.

Senator Koster introduced to the Senate, Pastor Baker, Belton; and Pastor Croitor, Romania.

Senator Wilson introduced to the Senate, United States Congressman Emanuel Cleaver, II, Kansas City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 28, 2006

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 1086-Kennedy and Coleman
SB 1087-Ridgeway and Mayer

SB 1088-Engler
SB 1089-Loudon

SB 1090-Koster, et al	SB 1108-Engler
SB 1091-Ridgeway	SB 1109-Griesheimer
SB 1092-Klindt	SB 1110-Barnitz
SB 1093-Gross	SB 1111-Goodman
SB 1094-Champion	SB 1112-Goodman
SB 1095-Engler	SB 1113-Goodman
SB 1096-Bray	SB 1114-Goodman
SB 1097-Coleman	SB 1115-Nodler
SB 1098-Wilson, et al	SB 1116-Stouffer
SB 1099-Clemens	SB 1117-Stouffer
SB 1100-Clemens, et al	SB 1118-Stouffer, et al
SB 1101-Griesheimer	SB 1119-Bray
SB 1102-Alter	SB 1120-Bray and Engler
SB 1103-Goodman	SB 1121-Gross
SB 1104-Cauthorn and Klindt	SB 1122-Shields
SB 1105-Cauthorn	SB 1123-Shields
SB 1106-Cauthorn	SB 1124-Shields
SB 1107-Cauthorn	SB 1125-Coleman

HOUSE BILLS ON SECOND READING

HCS for HJR 36
HJR 28-Jackson

HCS for HB 1014-Icet

THIRD READING OF SENATE BILLS

SS for SCS for SB 583-Griesheimer

SENATE BILLS FOR PERFECTION

- | | |
|---|--------------------------------------|
| 1. SBs 872, 754 & 669-Gibbons, et al,
with SCS | 6. SB 566-Dougherty, et al, with SCS |
| 2. SBs 1001, 896 & 761-Griesheimer,
with SCS | 7. SBs 665 & 757-Engler, with SCS |
| 3. SB 780-Klindt | 8. SB 643-Scott |
| 4. SB 816-Griesheimer and Coleman,
with SCS | 9. SRB 848-Bartle, with SCS |
| 5. SB 646-Griesheimer, with SCS | 10. SB 916-Koster, et al, with SCS |
| | 11. SB 938-Stouffer |
| | 12. SB 953-Engler, et al, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS
SB 596-Days
SB 644-Shields
SB 689-Scott
SB 690-Champion, with SCS

SB 820-Koster, with SCS
SB 832-Griesheimer, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SBs 1014 & 730-Scott and Gibbons,
with SCS
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS

SB 618-Koster (In Fiscal Oversight)
SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 840-Stouffer
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott

SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 863-Engler

SB 809-Graham
SB 760-Engler, with SCS
SB 830-Ridgeway, et al, with SCS
SB 871-Coleman

Reported 2/23

SB 585-Champion
SB 1003-Mayer, with SCS
SB 965-Bartle
SB 806-Gross, with SCS
SB 901-Shields
SB 964-Crowell

SB 990-Vogel
SBs 667, 704, 941, 956 & 987-Engler,
with SCS
SB 779-Engler
SB 735-Crowell

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓
Copy

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 28, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

"From the rising of the sun to its setting the name of the Lord is to be praised." (Psalm 113:3)

Absent with leave—Senators—None

Gracious Lord, we rejoice in this day You have created. We rejoice in the brightness of the sun as it warms us this day and for February, it truly is a blessing to us. Let us use this day to serve You and Your people and let us give You praise everyday. In Your Holy Name we pray. Amen.

Vacancies—1

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2165, regarding Carol Silvey, West Plains, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Purgason offered Senate Resolution No. 2166, regarding the Ninety-fifth Birthday of Charles Brown, Houston, which was adopted.

The Journal of the previous day was read and approved.

Senator Purgason offered Senate Resolution No. 2167, regarding the One Hundred Eighth Birthday of Ruby Gregory, Lebanon, which was adopted.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Senator Purgason offered Senate Resolution No. 2168, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tommy Hess, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2169, regarding Stephen Dumas, which was

adopted.

Senator Purgason offered Senate Resolution No. 2170, regarding Teresa Ferguson, which was adopted.

Senator Purgason offered Senate Resolution No. 2171, regarding Steven Dooley, which was adopted.

Senator Purgason offered Senate Resolution No. 2172, regarding Ronny Byerly, which was adopted.

Senator Purgason offered Senate Resolution No. 2173, regarding Paula Stewart, which was adopted.

Senator Purgason offered Senate Resolution No. 2174, regarding Jeff Keeling, which was adopted.

Senator Purgason offered Senate Resolution No. 2175, regarding Brent Lacey, which was adopted.

Senator Purgason offered Senate Resolution No. 2176, regarding Mike Ennis, which was adopted.

Senator Purgason offered Senate Resolution No. 2177, regarding Sarah Bressler, which was adopted.

Senator Purgason offered Senate Resolution No. 2178, regarding Kent Fry, which was adopted.

Senator Purgason offered Senate Resolution No. 2179, regarding James Hughes, which was adopted.

Senator Purgason offered Senate Resolution No. 2180, regarding Mary Brawley, which was adopted.

Senator Purgason offered Senate Resolution No. 2181, regarding Tom Jones, which was adopted.

Senator Purgason offered Senate Resolution No. 2182, regarding Howard Smith, which was adopted.

Senator Purgason offered Senate Resolution No. 2183, regarding Tammy Taber, which was adopted.

Senator Purgason offered Senate Resolution No. 2184, regarding Steve Emery, which was adopted.

Senator Purgason offered Senate Resolution No. 2185, regarding Ronald Rose, which was adopted.

Senator Purgason offered Senate Resolution No. 2186, regarding Bill Cox, which was adopted.

Senator Purgason offered Senate Resolution No. 2187, regarding Jonathan Martin, which was adopted.

Senator Purgason offered Senate Resolution No. 2188, regarding John Tippen, which was adopted.

Senator Purgason offered Senate Resolution No. 2189, regarding Chris Street, which was adopted.

Senator Purgason offered Senate Resolution No. 2190, regarding Jeff Wood, which was adopted.

Senator Purgason offered Senate Resolution No. 2191, regarding Mark Simmerock, which was adopted.

Senator Purgason offered Senate Resolution No. 2192, regarding Mary Kay Rainbolt, which was adopted.

Senator Purgason offered Senate Resolution No. 2193, regarding Roger Miller, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1126—By Clemens.

An Act to repeal section 226.750, RSMo, and to enact in lieu thereof two new sections relating to

state highway rest areas.

SB 1127—By Purgason.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to displaying identifying information on the rear of certain commercial motor vehicles, with penalty provisions.

SB 1128—By Purgason.

An Act to repeal sections 337.010, 337.015, and 337.020, RSMo, and to enact in lieu thereof five new sections relating to psychologist licensing.

SB 1129—By Green.

An Act to repeal section 94.110, RSMo, and to enact in lieu thereof one new section relating to third class cities regulating real estate agents.

SB 1130—By Green.

An Act to repeal section 79.365, RSMo, relating to boards of fourth class cities.

SB 1131—By Goodman.

An Act to repeal section 191.317, RSMo, and to enact in lieu thereof one new section relating to confidential medical test results.

SB 1132—By Wheeler and Griesheimer.

An Act to repeal section 537.600, RSMo, and to enact in lieu thereof one new section relating to sovereign immunity.

SB 1133—By Scott.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to providing nondrivers licenses for voting purposes, with an emergency clause.

SB 1134—By Scott.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the creation of the small-business advocacy programs.

SB 1135—By Scott.

An Act to repeal sections 86.590, 375.298,

375.320, 375.330, 375.340, 375.345, 375.390, 375.424, 375.480, 375.532, 375.534, 375.1070, 375.1072, 375.1075, 376.170, 376.190, 376.280, 376.300, 376.301, 376.303, 376.305, 376.307, 376.320, 376.672, 376.1012, 377.100, 377.200, 381.068, and 409.950, RSMo, and to enact in lieu thereof thirty-eight new sections relating to insurance company investments, with penalty provisions.

SB 1136—By Vogel.

An Act to repeal section 144.083, RSMo, and to enact in lieu thereof one new section relating to sales tax license renewal.

SB 1137—By Vogel.

An Act to repeal section 135.010, RSMo, and to enact in lieu thereof one new section relating to the removal of the full year residency requirement for the property tax credit program.

SB 1138—By Vogel.

An Act to repeal sections 142.900, 143.221, 143.511, 143.551, and 144.080, RSMo, and to enact in lieu thereof five new sections relating to electronic filing of returns for income, motor fuel, sales, and withholding taxes, with penalty provisions.

SB 1139—By Gibbons and Kennedy.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Sergeant William McEntee Memorial highway.

SB 1140—By Gibbons.

An Act to repeal sections 21.810, 67.110, 137.055, 138.380, and 138.395, RSMo, and to enact in lieu thereof eight new sections relating to real property taxes.

SB 1141—By Barnitz.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to erecting signs at state roads that intersect or cross the thirty-eighth parallel.

SB 1142—By Graham.

An Act to repeal sections 173.355, 173.360, 173.385, and 173.425, RSMo, and to enact in lieu thereof seven new sections relating to the higher education loan authority.

SB 1143—By Mayer.

An Act to repeal sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twenty-two new sections relating to modification of penalties, with penalty provisions.

SB 1144—By Mayer.

An Act to repeal section 211.093, RSMo, and to enact in lieu thereof one new section relating to orders issued by a juvenile court.

SB 1145—By Mayer.

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the Missouri national guard members, with an emergency clause.

SB 1146—By Ridgeway.

An Act to repeal sections 536.010 and 536.100, RSMo, and to enact in lieu thereof two new sections relating to administrative procedure and review.

SB 1147—By Ridgeway, Scott, Purgason, Gross and Gibbons.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof five new sections relating to health savings accounts.

SB 1148—By Ridgeway.

An Act to repeal sections 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, and 30.510, RSMo, and to enact in lieu thereof ten new sections relating to the transition period for statewide elected officials.

SB 1149—By Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to drug testing of construction company employees on school property.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 1014**—Appropriations.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 872**, **SB 754** and **SB 669**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 872**, **754** and **669**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 872, 754 and 669**

An Act to repeal sections 304.022, 304.351, and 304.580, RSMo, and to enact in lieu thereof five new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, and other motorists, with penalty provisions and an effective date for a certain section.

Was taken up.

Senator Gibbons moved that **SCS** for **SBs 872**, **754** and **669** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SBs 872**, **754** and **669**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 872, 754 and 669**

An Act to repeal sections 302.302, 304.022, 304.351, and 304.580, RSMo, and to enact in lieu thereof six new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, and other motorists, with penalty provisions and an effective date for a certain section.

Senator Gibbons moved that **SS** for **SCS** for **SBs 872, 754 and 669** be adopted.

Senator Ridgeway assumed the Chair.

Senator Days offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 6, Section 304.022, Lines 22-25, by striking all of said lines;

And further amend same bill, same page, same section, line 26, by striking the subsection identifier “4” and inserting in lieu thereof “3”;

And further amend same bill, page 8, same section, line 5, by striking the subsection identifier “5” and inserting in lieu thereof “4”;

And further amend same bill, same page, same section, lines 5-6, by striking the words “subsection 4” and inserting in lieu thereof the words “**subsection 3**”;

And further amend same bill, same page, same section, line 28, by striking the subsection identifier “6” and inserting in lieu thereof “5”;

And further amend same bill, page 9, same section, line 4, by striking the subsection identifier “7” and inserting in lieu thereof “6”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 16, Section 304.582, Lines 7-9, by striking the words “A second or subsequent violation of this subsection shall result in the court assessing” and inserting in lieu thereof the following: “**Upon a second or subsequent such conviction or plea of guilty, the court shall assess**”;

And further amend same bill, same page, same

section, lines 18-19, by striking the words “A second or subsequent violation of this subsection shall result in the court assessing” and inserting in lieu thereof the following: “**Upon a second or subsequent such conviction or plea of guilty, the court shall assess**”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 18, Section 304.585, Line 14, by inserting after the word “through” the words “**or around**”;

And further amend same bill, page 19, same section, line 6, by striking all of said line;

And further amend same bill, same page, same section, line 7, by striking the subdivision identifier “f” and inserting in lieu thereof the subdivision identifier “e”;

And further amend same bill, same page, same section, line 10, by striking the subdivision identifier “g” and inserting in lieu thereof the subdivision identifier “f”;

And further amend same bill, same page, same section, same line, by striking the words “; or” and inserting in lieu thereof the punctuation mark “.”;

And further amend same bill, same page, same section, lines 11-12, by striking all of said lines.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 11, Section 304.351, Line 23, of said page, by striking the word “surcharge” and

inserting in lieu thereof the following: **“penalty”**; and

Further amend said bill and section, Page 12, Line 3 of said page, by striking the word “surcharge” and inserting in lieu thereof the following: **“penalty”**; and further amend line 9 of said page, by striking the word “surcharge” and inserting in lieu thereof the following: **“penalty”**; and further amend lines 16 to 21 of said page, by striking said lines; and further amend said section by renumbering the remaining subsection accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 1, In the Title, Line 5, by inserting after “emergency workers,” the following: “children,”; and

Further amend said bill, Page 9, Section 304.022, Line 5, by inserting after all of said line the following:

“304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the court may suspend the driver's license of any person who violates the provision of subsection 1 of section 304.050. If ordered by the court, the director shall suspend the driver's license for ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days for a second or subsequent offense of subsection 1 of section 304.050. **Any person who violates subsection 1 of section 304.050 where such violation results in the injury of any child shall be guilty of a class D felony. Any person who violates subsection 1 of section 304.050 where such violation causes the death of any child shall be**

guilty of a class C felony.

2. Any appeal of a suspension imposed under subsection 1 of this section shall be a direct appeal of the court order and subject to review by the presiding judge of the circuit court or another judge within the circuit other than the judge who issued the original order to suspend the driver's license. The director of revenue's entry of the court-ordered suspension on the driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any suspension of the driver's license ordered by the court under this section shall be in addition to any other suspension that may occur as a result of the conviction pursuant to other provisions of law.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SS for SCS for SBs 872, 754 and 669**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS for SCS for SBs 872, 754 and 669**, as amended, was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 1001, SB 896 and SB 761**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 1001, 896 and 761, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1001, 896 and 761

An Act to repeal sections 302.130, 302.171, and 302.178, RSMo, and to enact in lieu thereof four new sections relating to the licensure of certain motor vehicle drivers, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for **SBs 1001, 896 and 761** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 11, Section 302.171, Lines 99-100, by striking the words “and was” from said lines and inserting in lieu thereof the following: “**may use a**”; and further amend line 100, by striking the word “a”; and further amend line 100, by inserting immediately after “license,” the following: “**Missouri**”; and further amend lines 101-102, by striking “is exempt from showing” and inserting in lieu thereof the following: “**as**”.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 1001, SB 896 and SB 761**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 915**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 1150—By Bartle.

An Act to repeal section 547.200, RSMo, and to enact in lieu thereof one new section relating to appeals brought by a prosecuting or circuit attorney.

SB 1151—By Bartle.

An Act to repeal section 620.1878, RSMo, and to enact in lieu thereof one new section relating to business regulation.

SB 1152—By Bartle.

An Act to amend chapters 191 and 196, RSMo, by adding thereto two new sections relating to human cloning, with penalty provisions.

SB 1153—By Bartle.

An Act to repeal sections 197.500, 198.006, 198.070, 208.909, 210.906, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.620, 660.625, 660.600, 660.603, 660.605, and 660.608, RSMo, and to enact in lieu thereof forty-nine new sections relating to protections for disabled persons and senior citizens, with penalty provisions.

SB 1154—By Mayer.

An Act to repeal section 105.955, RSMo, and to enact in lieu thereof one new section relating to the requirements for membership on the Missouri ethics commission.

SB 1155—By Stouffer.

An Act to repeal section 197.291, RSMo, and to enact in lieu thereof one new section relating to the technical advisory committee on the quality of patient care and nursing practices.

SB 1156—By Nodler.

An Act to repeal section 173.360, RSMo, and to enact in lieu thereof one new section relating to the Missouri higher education loan authority.

SB 1157—By Loudon.

An Act to repeal section 429.603, RSMo, and to enact in lieu thereof one new section relating to commercial real estate broker liens.

SB 1158—By Clemens.

An Act to repeal section 260.546, RSMo, and to enact in lieu thereof one new section relating to the payment of cleanup costs for anhydrous ammonia releases.

SB 1159—By Clemens.

An Act to repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to liability for damage or destruction of field crop products.

SB 1160—By Mayer, Griesheimer, Nodler, Alter, Vogel and Koster.

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

SB 1161—By Shields.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to charitable solicitations.

SJR 40—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to harvest heritage.

SJR 41—By Mayer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 20 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to denying bail.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time

and referred to the Committees indicated:

SB 1086—Economic Development, Tourism and Local Government.

SB 1087—Judiciary and Civil and Criminal Jurisprudence.

SB 1088—Education.

SB 1089—Ways and Means.

SB 1090—Ways and Means.

SB 1091—Pensions, Veterans' Affairs and General Laws.

SB 1092—Commerce, Energy and the Environment.

SB 1093—Financial and Governmental Organizations and Elections.

SB 1094—Economic Development, Tourism and Local Government.

SB 1095—Financial and Governmental Organizations and Elections.

SB 1096—Transportation.

SB 1097—Economic Development, Tourism and Local Government.

SB 1098—Ways and Means.

SB 1099—Financial and Governmental Organizations and Elections.

SB 1100—Judiciary and Civil and Criminal Jurisprudence.

SB 1101—Economic Development, Tourism and Local Government.

SB 1102—Economic Development, Tourism and Local Government.

SB 1103—Small Business, Insurance and Industrial Relations.

SENATE BILLS FOR PERFECTION

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator

Griesheimer moved that the vote by which Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, as amended, was perfected be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Koster	Wheeler—3
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Absent with leave—Senators—None

Vacancies—1

At the request of Senator Griesheimer, the motion to perfect **SS** for **SCS** for **SB 583**, as amended, was withdrawn.

Having voted on the prevailing side, Senator Griesheimer moved that the vote by which Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Koster	Wheeler—3
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Absent with leave—Senators—None

Vacancies—1

At the request of Senator Griesheimer, the motion to adopt **SS** for **SCS** for **SB 583**, as amended, was withdrawn.

At the request of Senator Griesheimer, **SS** for **SCS** for **SB 583**, as amended, was withdrawn.

Senator Griesheimer offered **SS No. 2** for **SCS** for **SB 583**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof thirteen new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 583** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 583, Page 14, Section 307.367, Line 22, by inserting after all of said line the following:

“307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an [official] inspection [station] **conducted by the state highway patrol**, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school

year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;
- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 of this section, the Missouri state

highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles;
- (6) The frame.

3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.

307.390. 1. Any person who violates any provision of [sections 307.350 to 307.390] **section 307.375** is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to [sections 307.350 to

307.390] **section 307.375** and sections 643.300 to 643.355, RSMo. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent.”; and

Further amend said bill, Page 44, Section 643.353, Line 25, by inserting after all of said line the following:

“[307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, for the two-year period following their model year of manufacture;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section

307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available

pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no person shall be required to have a biennial vehicle inspection during a registration period which exceeds two years. The inspection required at the beginning of the registration period shall be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued during a biennial registration year in which the vehicle is required to be inspected unless the application is accompanied by a certificate of inspection and approval issued no more than sixty days prior to the date of application, or in the case of school buses, which will be required to be inspected annually as provided in section 307.375, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri;

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license

being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.]

[307.360. 1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the inspection procedure.

2. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official inspection station and the qualifications for persons who conduct the inspections, and no applicant may be

approved to operate an official inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed. The superintendent of the Missouri state highway patrol shall establish standards and procedures to be followed in the making of inspections required by sections 307.350 to 307.390 and shall prescribe rules and regulations for the operation of the stations.

3. (1) The application for permit as an official inspection station shall be made to the superintendent of the Missouri state highway patrol on a form furnished by the superintendent. The fee for a permit to operate an official inspection station shall be ten dollars per year and each permit shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by him in the state treasury to the credit of the state highway fund.

(2) The application shall set forth the name under which applicant transacts or intends to transact business, the location of the applicant's place of business and such other information as the superintendent of the Missouri state highway patrol may require. If the applicant has or intends to have more than one place of business within the state, a separate application shall be made for each place of business. If the applicant is a partnership, the application shall set forth the names of the partners; if a corporation, the names of the officers shall be shown. The application shall be signed and verified by oath or affirmation of the owner or an authorized officer or partner.

(3) Each location which fulfills the superintendent of the Missouri state highway patrol's requirements and whose owners, proprietors and employees comply with the superintendent's regulations and qualifications shall be designated as an official inspection station and the applicant issued a certificate. The superintendent of the Missouri state highway patrol shall investigate all applicants for inspection station permits to determine whether or not the

premises, equipment and personnel meet the requirements prescribed by him.

(4) Any automobile mechanic who has had at least one year of practical experience as an automotive mechanic or any person who has successfully completed a course of vocational instruction in automotive mechanics from a generally recognized educational institution, either public or private, and who has demonstrated the knowledge and ability to conduct an inspection in compliance with the regulations established by the superintendent of the Missouri state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol.

(5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has

qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity.

4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390 are not being complied with, or that the business of an official inspection station, in connection with corrections, adjustments, repairs or inspection of vehicles is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of sections 307.350 to 307.390, he or she is subject to prosecution as provided in section 307.390.

(2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's

address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee.

(3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536, RSMo.]

[307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which

informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them

or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner

must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by

the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.]; and

Further amend said bill, Page 49, Section 307.366, Line 19, by inserting after all of said line the following:

"[307.370. 1. No person shall represent in any manner any place as an official inspection station unless the station is operated under a valid permit issued by the superintendent of the Missouri state highway patrol.

2. No person unless then holding a valid permit shall issue a certificate of inspection and approval, sticker, seal or other device.

3. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection, sticker, seal or other device.

4. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval, sticker, seal or other device knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.]

[307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every vehicle of the type required to be inspected by section 307.350, whether new or used, shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new

certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.385. The superintendent of the Missouri state highway patrol may notify the director of revenue and the director of revenue shall suspend the registration of any vehicle which the superintendent of the Missouri state highway patrol determines, after a written notice, is not equipped as required by law or for which a certificate required by sections 307.350 to 307.390 has not been obtained.]; and

Further amend said bill, Page 50, Section B, Line 41, by inserting after all of said line the following:

“Section C. The repeal of sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, and 307.385, and the repeal and reenactment of sections 307.375 and 307.390 shall become effective January 1, 2007.”; and

Further amend the title and enacting clause

accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Barnitz, Days and Green.

Senator Bartle offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 583, Page 14, Section 301.800, Line 8, by inserting immediately after all of said line the following:

“307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, for the [two-year] **four-year** period following their model year of manufacture;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses

which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any

special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above substitute amendment be adopted.

Senator Callahan offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 583, Page 1, Section 307.350, Line 20, by deleting the words “a biennial” and inserting in lieu thereof the words “an every fifty year”; and

Further amend page 2, section 307.350, lines 10 to 17, by deleting said lines and inserting in lieu thereof “days of when a vehicle’s registration is transferred. The certificate of inspection and”.

Senator Callahan moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 1** to **SSA 1** for **SA 1** is out of order in that it is in the third degree.

The point of order was referred to the President Pro Tem.

At the request of Senator Bartle, his point of order was withdrawn.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 1**. He was joined in his request by Senators Bray, Dougherty, Days and Barnitz.

SA 1 to SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators
Barnitz Callahan Clemens Crowell—4

NAYS—Senators
Alter Bartle Bray Cauthorn
Champion Days Dougherty Engler
Gibbons Griesheimer Gross Kennedy
Klindt Koster Loudon Mayer
Nodler Purgason Ridgeway Scott
Shields Stouffer Vogel Wilson—24

Absent—Senators
Coleman Goodman Graham Green—4

Absent with leave—Senator Wheeler—1

Vacancies—1

SSA 1 for SA 1 was again taken up.

Senator Bartle moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Gibbons, Engler, Days and Kennedy.

SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators
Alter Bartle Champion Engler
Gibbons Griesheimer Gross Kennedy
Koster Ridgeway—10

NAYS—Senators
Barnitz Bray Callahan Cauthorn
Clemens Crowell Days Dougherty
Klindt Loudon Mayer Nodler
Purgason Scott Shields Stouffer
Vogel Wilson—18

Absent—Senators
Coleman Goodman Graham Green—4

Absent with leave—Senator Wheeler—1

Vacancies—1

SA 1 was again taken up.

Senator Klindt moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators
Barnitz Bartle Callahan Cauthorn
Champion Clemens Crowell Klindt
Loudon Mayer Nodler Purgason
Scott Shields Stouffer—15

NAYS—Senators
Alter Bray Days Dougherty
Engler Gibbons Goodman Griesheimer
Gross Kennedy Koster Ridgeway
Vogel Wilson—14

Absent—Senators
Coleman Graham Green—3

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 583**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 583**, as amended, was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 1001**, **SB 896** and **SB 761**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Griesheimer moved that above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 1, In the Title, Line 4, by striking the following: “a certain section” and inserting in lieu thereof the following:

“certain sections”; and

Further amend said bill, Page 14, Section 302.178, Line 115, by inserting after all of said line the following:

“302.183. The provisions of section 136.055, RSMo, and section 302.181 notwithstanding, any applicant who requests a nondriver's license with a photograph or digital image (nondriver's license photo identification) for the purpose of voting and complying with section 115.427, RSMo, shall not be required to pay a fee for the nondriver's license if the applicant executes an affidavit averring that the applicant does not have any other form of photographic personal identification that meets the requirements of subsection 1 of section 115.417, RSMo. The state of Missouri shall pay the legally required fees for any such applicant. The director shall design an affidavit to be used for this purpose. However, any person residing in a facility licensed under chapter 198, RSMo, otherwise competent to vote, shall be issued a nondriver's license photo identification through a mobile processing system operated by the Missouri department of revenue upon a written request by such person to the department attesting that the person is physically unable to otherwise obtain a nondriver's license photo identification. The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.”; and

Further amend said bill, Page 15, Section B, Line 7, by inserting after all of said line the following:

“Section C. Because voting is essential in promoting democracy, section 302.183 of this act

is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 302.183 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Days raised the point of order that SA 2 is out of order as it is not germane to the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Barnitz offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 13, Section 302.178, Line 59, by inserting immediately at the end of said line the following: **“The passenger restrictions of this subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities.”.**

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 13, Section 302.178, Lines 55-56, by striking the phrase “After the expiration of the first six months,” and inserting in lieu thereof the following: **“During the next six months,”.**

Senator Barnitz moved that the above amendment be adopted, which motion failed.

Senator Koster assumed the Chair.

Senator Griesheimer moved that **SCS** for **SBs 1001, 896 and 761**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SBs 1001, 896 and 761**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1169**, entitled:

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name revisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1157**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to designation of the official state game bird.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 872, 754 and 669**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and

that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 872, 754 and 669** to the Committee on Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 27, 2006

Senator Mike Gibbons
President Pro Tem
Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101
Dear Senator Gibbons:

This is to advise you that I will be acting Governor from 7:15 p.m. Monday, February 27th until the Governor returns on February 28th, at approximately 6:25 p.m.

Please submit this to the Senate Journal. Thank you for your assistance.

Sincerely,
/s/ Pete Kinder
PETER D. KINDER
Lieutenant Governor

Also,

February 6, 2006

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Section 104.1006 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following to the Simplified Sales Tax Project:

Mr. John O'Connell (private sector appointment)

Please do not hesitate to contact my office if you have any questions regarding this matter.

Thank you.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

February 27, 2006

Mrs. Terry Spieler
 Secretary of the Senate
 State Capitol, Room 324
 Jefferson City, MO 65101

Re: Special Committee on Fuel, Waste, and the Environment

Dear Mrs. Spieler:

I write to inform you that I am hereby forming a special senate committee on Fuel, Waste, and the Environment.

The committee is charged with the task of conducting hearings for the purpose of exploring the feasibility and effectiveness of fueling innovative animal and human waste management practices to create energy, protect Missouri's environment, solve odor issues, and sustain rural economic development. The committee will issue to the Senate a report of findings and proposed recommendation of actions to address this issue.

I am appointing the following senators to serve on the Special Committee on Fuel, Waste, and the Environment:

- John Cauthorn, Chairman
- Bill Stouffer
- David Klindt
- Maida Coleman
- Frank Barnitz

Please contact my office if you have any questions regarding this matter. Thank you.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS

Also,

February 28, 2006

Mrs. Terry Spieler
 Secretary of the Senate
 State Capitol Building
 Jefferson City, MO 65101

Re: Appointments to The Missouri Job Training Joint Legislative Oversight Committee

Dear Mrs. Spieler:

Pursuant to Section 620.481 RSMo, I am appointing the following to the Missouri Job Training Joint Legislative Oversight Committee:

- Senator Michael R. Gibbons
- Senator John Griesheimer
- Senator Harry Kennedy

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2194, regarding the 2005 State Champion Christian High School Soccer Team, O'Fallon, which was adopted.

Senator Klindt offered Senate Resolution No. 2195, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Lee Everhart, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 2196, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leroy McGinness, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 2197, regarding Jonathan Arnold, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 2198, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James E. Cline, St. Joseph, which was adopted.

Senator Crowell offered Senate Resolution No. 2199, regarding Mr. and Mrs. Timothy W. Bockhorst, which was adopted.

Senator Crowell offered Senate Resolution No. 2200, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cliff F. Rudesill, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2201, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Cecil Blaylock, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2202, regarding the One Hundredth Birthday of Edith K. Hastings, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2203, regarding Rollet Brothers Logistics,

Incorporated, Perryville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2204, regarding Taylor Michael Wallace, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2205, regarding Elisha T. Woods, Overland Park, Kansas, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2206, regarding Julia Shuck, Perry, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2207, regarding Kenny Weber, Kirksville, which was adopted.

Senator Loudon offered Senate Resolution No. 2208, regarding Beverly R. Stewart, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Callahan introduced to the Senate, Keet Kopecky, Kay Thomas, Nathan Proctor and Blake Thompson, Longview Community College, Jackson County.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Donald Potts, M.D., Independence.

Senator Kennedy introduced to the Senate, Sandie Whited, Shannon Gestes and Jennifer Ebmeyer, St. Louis.

Senator Griesheimer introduced to the Senate, Jennifer Guccione, Eureka; St. Louis Community College-Meramec.

Senator Kennedy introduced to the Senate, Stephen Albrecht and Alexandra Johnson, St. Louis.

On behalf of Senator Bray, Senator Kennedy introduced to the Senate, Corinne Currington, St. Louis.

Senator Nodler introduced to the Senate, faculty and fourteen students from Crowder College, Neosho.

Senator Griesheimer introduced to the Senate, Roy Esslinger, Pacific; St. Louis Community College.

Senator Klindt introduced to the Senate, Kenneth Clem, Jay Shipp, Michele Town-zen, Tiffany Crawford, Calvin Lollar, Leslie Wray, John Rundy, Amanda Lamtsert, Megan Schmit and Cara Williams; North Central Missouri Community College, Trenton.

Senator Griesheimer introduced to the Senate, former State Representative Jim Froelker, Gerald; and Dr. Ed Jackson, Washington; Ed and Kim Weber, Union; Sharon Sutton, Warrenton; Dot Schowe, New Haven; Dana Jackson, Washington; Tom Dill, Washington; Jim Perry, Washington; Catherine Scott, St. Clair; Charlie Betz, Sullivan; and Jon Bauer, Washington; East Central College, Union.

Senator Goodman introduced to the Senate, students from Missouri State University, Springfield.

Senator Purgason introduced to the Senate, Brenda Jackson and fifty-five eighth grade students from Fairview School, West Plains.

Senator Cauthorn introduced to the Senate, Mr. and Mrs. Ken Carroll, Hannibal.

Senator Stouffer introduced to the Senate, Corn Growers from Mid-MO Energy.

Senator Mayer introduced to the Senate, Judge John Beaton, Francis Gould, Heather Eddy, Anita Rutledge, Tom Campbell and Mike Davis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY—WEDNESDAY, MARCH 1, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1104-Cauthorn and Klindt	SB 1134-Scott
SB 1105-Cauthorn	SB 1135-Scott
SB 1106-Cauthorn	SB 1136-Vogel
SB 1107-Cauthorn	SB 1137-Vogel
SB 1108-Engler	SB 1138-Vogel
SB 1109-Griesheimer	SB 1139-Gibbons and Kennedy
SB 1110-Barnitz	SB 1140-Gibbons
SB 1111-Goodman	SB 1141-Barnitz
SB 1112-Goodman	SB 1142-Graham
SB 1113-Goodman	SB 1143-Mayer
SB 1114-Goodman	SB 1144-Mayer
SB 1115-Nodler	SB 1145-Mayer
SB 1116-Stouffer	SB 1146-Ridgeway
SB 1117-Stouffer	SB 1147-Ridgeway, et al
SB 1118-Stouffer, et al	SB 1148-Ridgeway
SB 1119-Bray	SB 1149-Kennedy
SB 1120-Bray and Engler	SB 1150-Bartle
SB 1121-Gross	SB 1151-Bartle
SB 1122-Shields	SB 1152-Bartle
SB 1123-Shields	SB 1153-Bartle
SB 1124-Shields	SB 1154-Mayer
SB 1125-Coleman	SB 1155-Stouffer
SB 1126-Clemens	SB 1156-Nodler
SB 1127-Purgason	SB 1157-Loudon
SB 1128-Purgason	SB 1158-Clemens
SB 1129-Green	SB 1159-Clemens
SB 1130-Green	SB 1160-Mayer, et al
SB 1131-Goodman	SB 1161-Shields
SB 1132-Wheeler and Griesheimer	SJR 40-Bartle
SB 1133-Scott	SJR 41-Mayer

HOUSE BILLS ON SECOND READING

HCS for HJR 36
HJR 28-Jackson

HB 1169-Cooper (120)
HB 1157-Cooper (120), et al

THIRD READING OF SENATE BILLS

SCS for SB 915-Koster, et al

SS for SCS for SBs 872, 754 &
669-Gibbons (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 780-Klindt
2. SB 816-Griesheimer and Coleman, with SCS
3. SB 646-Griesheimer, with SCS
4. SB 566-Dougherty, et al, with SCS
5. SBs 665 & 757-Engler, with SCS

6. SB 643-Scott
7. SRB 848-Bartle, with SCS
8. SB 916-Koster, et al, with SCS
9. SB 938-Stouffer
10. SB 953-Engler, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS
SB 596-Days
SB 644-Shields
SB 689-Scott
SB 690-Champion, with SCS

SB 820-Koster, with SCS
SB 832-Griesheimer, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SBs 1014 & 730-Scott and Gibbons, with
SCS
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
SB 747-Klindt, with SCS
SB 641-Scott
SB 818-Scott
SB 819-Scott
SB 828-Scott
SB 678-Gross

SB 630-Gross, with SCS
SB 805-Gross
SB 612-Engler
SB 712-Scott
SB 802-Shields, with SCS
SB 648-Champion
SB 677-Gross

Reported 2/9

SB 559-Gibbons
SB 558-Gibbons
SB 746-Klindt, with SCS
SB 881-Engler
SB 900-Shields
SB 765-Dougherty, with SCS

SB 618-Koster (In Fiscal Oversight)
SB 580-Shields, with SCS
SB 650-Champion, with SCS
SB 840-Stouffer
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott
SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 863-Engler
SB 809-Graham
SB 760-Engler, with SCS
SB 830-Ridgeway, et al, with SCS
SB 871-Coleman

Reported 2/23

SB 585-Champion
SB 1003-Mayer, with SCS
SB 965-Bartle
SB 806-Gross, with SCS
SB 901-Shields
SB 964-Crowell

SB 990-Vogel
SBs 667, 704, 941, 956 & 987-Engler,
with SCS
SB 779-Engler
SB 735-Crowell

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SECOND DAY—WEDNESDAY, MARCH 1, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be pleased, O God, to deliver me. O Lord, make haste to help me!” (Psalm 70:1)

O Lord of mercy and compassion, on this day when the Christian world observes Ash Wednesday, we are so mindful of all that can easily lead us astray and how it is important for us to turn to You for help and strength at such times. Deliver us and help us through this season so that we may truly be joyful of Your gifts of forgiveness and help that sustains us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2209, regarding David and Sherry Ginnett, which was adopted.

Senators Shields and Coleman offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 2210

WHEREAS, the members of the Missouri Senate pause to recognize Multiple Sclerosis Awareness Week, which will be held March 13-17, 2006, in conjunction with the Sixtieth Anniversary of the founding of the National MS Society; and

WHEREAS, the MS Society has been serving the residents of Missouri for more than fifty years from offices in Cape Girardeau, Kansas City, St. Joseph, St. Louis, and Springfield that provide programs and support to the more than 7,200 Missourians living with MS; and

WHEREAS, symptoms of MS include loss of balance,

extreme fatigue, visual disturbances, numbness in the extremities, and even blindness, paralysis, and death in the most extreme of cases; and

WHEREAS, MS is usually diagnosed in young adulthood, between the ages of 20 and 50, when individuals are just embarking on their careers and starting their own families; and

WHEREAS, the National MS Society has committed more than \$3 million to MS research taking place in the Show-Me State;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join in extending our most hearty and robust congratulations to the National MS Society upon this very special anniversary event; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation during MS Awareness Week.

Senator Crowell offered Senate Resolution No. 2211, regarding Erin Miesner, which was adopted.

Senator Crowell offered Senate Resolution No. 2212, regarding Aarica Stephenson, which was adopted.

Senator Nodler offered Senate Resolution No. 2213, regarding D & D Sexton, Inc., Carthage, which was adopted.

Senator Nodler offered Senate Resolution No. 2214, regarding Thomas C. Phillips, Joplin, which was adopted.

Senator Nodler offered Senate Resolution No. 2215, regarding Bobby Waynick, Oronogo, which was adopted.

Senator Nodler offered Senate Resolution No. 2216, regarding Larry Massey, Seneca, which was adopted.

CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 30

WHEREAS, the Lake of the Ozarks is one of the most popular lakes in the Midwest, largely because of the many opportunities for public access; and

WHEREAS, in addition to the public access points, individuals and businesses have been able to obtain dock permits,

allowing the lake to be enjoyed by residents and visitors alike; and

WHEREAS, AmerenUE is responsible for shoreline management at the Lake of the Ozarks, as specified in Article 41 of its license from the Federal Energy Regulatory Commission to operate the Osage Power Plant; and

WHEREAS, on August 19, 2005, AmerenUE filed a shoreline management plan with the Federal Energy Regulatory Commission, a portion of which establishes impact minimization zones (IMZs) that classify and restrict certain areas of the shoreline for future development; and

WHEREAS, the goal of the shoreline management plan to balance the recreational, environmental, and economic aspects of the lake is an honorable goal; and

WHEREAS, the impact minimization zones as proposed in the current plan will have a detrimental effect on the economy of the lake area, leading to reduced recreational opportunities for lake residents and visitors; and

WHEREAS, restrictions on dock permits could lower the value of lakefront property, decrease traffic at local businesses that rely on the lake for their livelihood, and result in an overall negative impact on the local and state economy:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby support the formation of a broad-based impact minimization zone task force comprised of state, county, and municipal officials; state and federal resource agencies; chambers of commerce; and members of the development, recreation, and residential communities to work on a more balanced plan that incorporates the recreational, environmental, and aesthetic values of the Lake of the Ozarks and review dock policies as they relate to impact minimization zone plans; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, urge the Federal Energy Regulatory Commission to delay authorization of the plan in those portions dealing with impact minimization zones until the new impact minimization zone task force can issue a revised plan that will provide a more balanced plan for the use of the Lake of the Ozarks; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the president and board of directors of AmerenUE.

Senator Gross assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were

read the 1st time and ordered printed:

SB 1162–By Nodler.

An Act to repeal section 536.310, RSMo, and to enact in lieu thereof one new section relating to the small business regulatory fairness board.

SB 1163–By Nodler.

An Act to repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to the transfer of the administration of the crime victims' compensation fund from the department of revenue to the department of public safety.

SB 1164–By Graham, Dougherty, Bray, Days and Wilson.

An Act to repeal section 161.099, RSMo, and to enact in lieu thereof one new section relating to teacher preparation.

SB 1165–By Klindt.

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution control fees.

SB 1166–By Klindt.

An Act to repeal sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, and to enact in lieu thereof two new sections relating to repeal of the state safety inspection program, with penalty provisions and an effective date.

SB 1167–By Days.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to contracts between legislators.

SB 1168–By Bray.

An Act to amend chapters 566 & 567, RSMo, by adding thereto four new sections relating to human exploitation, with penalty provisions.

SB 1169–By Bray.

An Act to repeal section 167.231, RSMo, and to enact in lieu thereof one new section relating to

student transportation.

SB 1170–By Bray.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

SB 1171–By Bray.

An Act to repeal section 523.055, RSMo, and to enact in lieu thereof three new sections relating to eminent domain.

SB 1172–By Bray.

An Act to repeal section 67.1806, RSMo, and to enact in lieu thereof one new section relating to regional taxicab commissions.

SB 1173–By Bray.

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.672, 67.673, 67.674, 67.676, 67.678, 67.1303, 67.1545, 67.1775, 67.1959, 67.2000, 67.2030, 67.2500, 67.2510, 67.2515, 67.2520, 67.2525, 67.2530, 94.578, 94.580, 94.605, 94.660, 94.705, 94.900, 144.010, 144.014, 144.030, 144.046, 144.100, 144.517, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the implementation of the streamlined sales and use tax agreement.

SB 1174–By Stouffer.

An Act to repeal sections 306.114, 306.117, 577.020, 577.026, 577.037, and 577.208, RSMo, and to enact in lieu thereof six new sections relating to transferring the authority to approve chemical testing methods and devices from the department of health and senior services to the department of transportation.

SB 1175–By Stouffer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for community center development.

SB 1176—By Stouffer.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to providing the motoring public notice of the state's recent motor vehicle laws.

SB 1177—By Callahan.

An Act to repeal section 193.065, RSMo, and to enact in lieu thereof one new section relating to local registrars.

SB 1178—By Callahan.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for sales of super bowl tickets.

SB 1179—By Callahan and Koster.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof four new sections relating to tax incentives for secondary mining uses.

SB 1180—By Callahan.

An Act to repeal section 301.143, RSMo, and to enact in lieu thereof one new section relating to disabled parking signs, with penalty provisions.

SB 1181—By Griesheimer.

An Act to repeal sections 301.130, 301.140, 301.190, 301.200, 301.290, 301.550, 301.560, 301.562, and 301.570, RSMo, and to enact in lieu thereof nine new sections relating to the registration and licensing of motor vehicles, with penalty provisions.

SB 1182—By Griesheimer.

An Act to repeal sections 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.266, 348.271, 348.272, and 348.275, RSMo, and to enact in lieu thereof twelve new sections relating to the Missouri discovery alliance.

SB 1183—By Vogel.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to motor

fuel tax exemptions.

SB 1184—By Vogel.

An Act to amend chapter 233, RSMo, by adding thereto one new section relating to special road districts.

SB 1185—By Engler.

An Act to repeal sections 44.020, 44.024, 44.237, and 192.510, RSMo, and to enact in lieu thereof four new sections relating to the state emergency management agency.

SB 1186—By Engler.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the Missouri new markets tax credit program.

SB 1187—By Gibbons.

An Act to repeal sections 8.900, 21.475, 21.780, 21.795, 32.250, 32.260, 44.227, 44.229, 44.231, 44.233, 44.235, 44.237, 162.1060, 170.250, 192.375, 192.745, 208.530, 208.533, 208.535, 208.792, 226.440, 226.445, 226.450, 226.455, 226.460, 226.465, 227.107, 253.375, 260.725, 301.3150, 301.3152, 622.055, 622.057, 630.910, and 630.915, RSMo, and to enact in lieu thereof eight new sections relating to the repeal and reduction of certain committees and commissions.

SB 1188—By Gibbons.

An Act to repeal section 416.615, RSMo, and to enact in lieu thereof one new section relating to the sale of motor fuel.

SB 1189—By Gibbons.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the holocaust education and awareness commission.

SB 1190—By Loudon.

An Act to repeal section 160.400, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287,

ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to charter schools.

SB 1191—By Loudon.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to prohibiting the operation of remote control locomotives.

SB 1192—By Wheeler, Bray, Days, Coleman, Graham and Wilson.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacy to fill prescriptions.

SB 1193—By Wheeler.

An Act to amend chapter 215, RSMo, by adding thereto two new sections relating to the Missouri housing development commission.

SB 1194—By Wheeler.

An Act to amend chapter 141, RSMo, by adding thereto one new section relating to the authority of certain county collectors.

SB 1195—By Wheeler.

An Act to repeal section 141.750, RSMo, and to enact in lieu thereof one new section relating to land trust conveyances.

SB 1196—By Wheeler.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to the Missouri housing trust fund.

SB 1197—By Wheeler and Champion.

An Act to repeal section 431.068, RSMo, and to enact in lieu thereof one new section relating to persons donating blood.

SB 1198—By Scott.

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to emergency drought conditions, with penalty provisions.

SB 1199—By Scott.

An Act to repeal section 197.200, RSMo, and to enact in lieu thereof one new section relating to the definition of ambulatory surgical centers.

SB 1200—By Scott.

An Act to repeal section 384.051, RSMo, and to enact in lieu thereof one new section relating to collection of surplus lines taxes.

SB 1201—By Dougherty.

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to medical assistance eligibility.

SB 1202—By Dougherty.

An Act to repeal section 67.1775, RSMo, and to enact in lieu thereof one new section relating to local sales tax to provide community services for children.

SB 1203—By Dougherty.

An Act to repeal sections 144.030, 640.150 and 640.653, RSMo, and to enact in lieu thereof twenty-seven new sections relating to energy, with an expiration date for certain sections.

SB 1204—By Dougherty.

An Act to repeal sections 210.127, 210.819, 211.442, 211.444, and 211.453, RSMo, and to enact in lieu thereof five new sections relating to parentage of a child.

SB 1205—By Dougherty and Gross.

An Act to repeal sections 100.286, 100.297, 135.110, 135.305, 135.313, 135.750, 143.225, 143.261, 144.081, 144.140, 313.826, 320.093, and 660.136, RSMo, and to enact in lieu thereof eleven new sections relating to the utilicare stabilization fund.

SB 1206—By Mayer.

An Act to repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to

the interstate compact for juveniles, with a contingent effective date.

SB 1207—By Mayer.

An Act to repeal section 67.547, RSMo, and to enact in lieu thereof one new section relating to sales tax imposed in counties.

SB 1208—By Koster.

An Act to repeal section 351.090, RSMo, and to enact in lieu thereof one new section relating to amendments to articles of incorporation for corporations.

SB 1209—By Koster.

An Act to repeal sections 478.117 and 478.570, RSMo, and to enact in lieu thereof four new sections relating to the split of the seventeenth judicial circuit.

SB 1210—By Koster, Crowell, Mayer, Coleman and Wilson.

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof six new sections relating to Medicaid fraud, with penalty provisions.

SB 1211—By Coleman and Gibbons.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the hiring of law enforcement officers by private colleges and universities.

SB 1212—By Coleman.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for public safety.

SB 1213—By Coleman and Ridgeway.

An Act to amend chapter 334, RSMo, by adding thereto thirteen new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

SB 1214—By Goodman.

An Act to repeal section 610.021, RSMo, and

to enact in lieu thereof one new section relating to votes by political party committees to select candidates for a special election.

SB 1215—By Goodman.

An Act to repeal section 227.290, RSMo, and to enact in lieu thereof one new section relating to the disposal of property held by the state highways and transportation commission.

SB 1216—By Goodman.

An Act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

SB 1217—By Goodman.

An Act to repeal section 8.250, RSMo, and to enact in lieu thereof one new section relating to bids for public projects.

SB 1218—By Goodman.

An Act to amend chapter 44, RSMo, by adding thereto four new sections relating to emergency management.

SB 1219—By Goodman.

An Act to repeal sections 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, and 344.105, RSMo, and to enact in lieu thereof nine new sections relating to the licensing of nursing home administrators.

SB 1220—By Goodman.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to a health facilities construction plan review fee.

SB 1221—By Goodman.

An Act to repeal section 570.040, RSMo, and to enact in lieu thereof one new section relating to stealing.

SB 1222—By Goodman.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund.

SB 1223—By Scott.

An Act to amend chapter 348, RSMo, by adding thereto one new section relating to the Missouri targeted development program.

SB 1224—By Ridgeway.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the creation of the umbilical cord blood tissue bank.

SB 1225—By Ridgeway.

An Act to repeal section 135.550, RSMo, and to enact in lieu thereof one new section relating to the transfer of the administration of the domestic violence shelter tax credit from the department of public safety to the department of social services.

SB 1226—By Ridgeway.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to teacher certification.

SB 1227—By Bray and Days.

An Act to repeal sections 193.085 and 193.087, RSMo, and to enact in lieu thereof three new sections relating to establishment of paternity.

SB 1228—By Purgason.

An Act to repeal section 70.665, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

SB 1229—By Champion.

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to tax credits for children in crisis.

SB 1230—By Dougherty.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

SB 1231—By Dougherty.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to

Medicaid benefits.

SJR 42—By Nodler and Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30 (b) and 43 (b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to legislative authority to appropriate moneys for administrative purposes for certain commissions.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 780** be taken up for perfection, which motion prevailed.

At the request of Senator Klindt, **SB 780** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 1001, 896 and 761**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senator Days offered Senate Resolution No. 2217, regarding D. Kent Leichliter, Crestwood, which was adopted.

Senator Stouffer offered Senate Resolution No. 2218, regarding the Ninetieth Birthday of Irvin Charles Kleinschmidt, which was adopted.

Senator Graham offered Senate Resolution No. 2219, regarding K.C. Pescaglia, which was adopted.

Senator Graham offered Senate Resolution No. 2220, regarding Tony Pescaglia, which was adopted.

Senator Graham offered Senate Resolution No. 2221, regarding Charlie Gibbs, which was adopted.

Senator Green offered Senate Resolution No. 2222, regarding Michael Robert Muckler, Wildwood, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1232—By Bartle.

An Act to repeal sections 67.2540, 67.2546, 67.2552, 567.080 and 573.503, RSMo, and to enact in lieu thereof nine new sections relating to sexually-oriented businesses, with penalty provisions and a severability clause.

SB 1233—By Bartle.

An Act to repeal section 130.032, RSMo, and to enact in lieu thereof one new section relating to campaign contribution limits.

SB 1234—By Bartle.

An Act to repeal section 161.101, RSMo, and to enact in lieu thereof one new section relating to Missouri school improvement program.

SB 1235—By Engler.

An Act to repeal section 321.222, RSMo, relating to residential construction regulatory systems.

SB 1236—By Engler.

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections

relating to dam and reservoir safety, with penalty provisions.

SB 1237—By Callahan.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to municipal ordinance violations in certain home rule cities.

SB 1238—By Callahan.

An Act to amend chapter 376, RSMo, by adding thereto eleven new sections relating to the small business health fairness act of 2006.

SB 1239—By Gibbons.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to affordable prescription drugs for all Missourians.

SB 1240—By Koster.

An Act to amend chapter 188, RSMo, by adding thereto two new sections relating to abortions.

SB 1241—By Koster.

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 610.010, 630.005, 630.165, 630.410, 630.705, 630.715, 630.755, and 633.005, RSMo, and to enact in lieu thereof nineteen new sections relating to private mental health facilities and group homes, with penalty provisions.

SB 1242—By Cauthorn.

An Act to repeal section 644.036, RSMo, and to enact in lieu thereof one new section relating to water pollution, with an expiration date.

SB 1243—By Loudon.

An Act to amend chapter 324, RSMo, by adding thereto nine new sections relating to the powers and duties of the Missouri electrical industry licensing board, with penalty provisions.

SB 1244—By Loudon.

An Act to amend chapter 191, RSMo, by

adding thereto four new sections relating to Medicaid fraud, with penalty provisions.

SB 1245—By Goodman, Bartle and Wheeler.

An Act to repeal sections 197.305, 197.315, 197.317, 197.318, 197.325, 197.340, 197.345, 197.355, 197.357, and 197.366, RSMo, and to enact in lieu thereof twenty-one new sections relating to health care facilities.

SB 1246—By Bray.

An Act to repeal section 148.400, RSMo, relating to deductions allowed to insurance companies.

SB 1247—By Vogel.

An Act to repeal section 303.415, RSMo, and to enact in lieu thereof one new section relating to extending the sunset clause on the motorist insurance identification database program, with an expiration date.

SB 1248—By Crowell, Bartle and Alter.

An Act to repeal sections 188.015, 188.020, 188.025, 188.027, 188.028, 188.029, 188.030, 188.031, 188.036, 188.039, 188.043, 188.047, 188.052, 188.055, 188.060, 188.070, 188.075, 188.080, 188.230, and 188.250, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions and a referendum clause.

SB 1249—By Alter.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to the Missouri science education act.

SB 1250—By Alter.

An Act to repeal sections 115.427, 161.092, and 173.005, RSMo, and to enact in lieu thereof six new sections relating to illegal aliens.

SB 1251—By Shields.

An Act to repeal section 191.331, RSMo, and to enact in lieu thereof one new section relating to the metabolic formula distribution program.

SJR 43—By Crowell, Bartle and Alter.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adopting one new section relating to the life of an unborn child.

Senator Bray requested unanimous consent of the Senate to withdraw **SB 1119**, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 583**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 618**, begs leave to report that it has considered the same and recommends that the bill do pass.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1104—Commerce, Energy and the Environment.

SB 1105—Agriculture, Conservation, Parks and Natural Resources.

SB 1106—Agriculture, Conservation, Parks and Natural Resources.

SB 1107—Agriculture, Conservation, Parks and Natural Resources.

SB 1108—Pensions, Veterans' Affairs and General Laws.

SB 1109—Transportation.

SB 1110—Financial and Governmental Organizations and Elections.

SB 1111—Judiciary and Civil and Criminal Jurisprudence.

SB 1112—Judiciary and Civil and Criminal Jurisprudence.

SB 1113—Financial and Governmental Organizations and Elections.

SB 1114—Education.

SB 1115—Commerce, Energy and the Environment.

SB 1116—Judiciary and Civil and Criminal Jurisprudence.

SB 1117—Aging, Families, Mental and Public Health.

SB 1118—Transportation.

SB 1120—Judiciary and Civil and Criminal Jurisprudence.

SB 1121—Small Business, Insurance and Industrial Relations.

SB 1122—Economic Development, Tourism and Local Government.

SB 1123—Pensions, Veterans' Affairs and General Laws.

SB 1124—Financial and Governmental Organizations and Elections.

SB 1125—Financial and Governmental Organizations and Elections.

SB 1126—Transportation.

SB 1127—Transportation.

SB 1128—Financial and Governmental Organizations and Elections.

SB 1129—Economic Development, Tourism and Local Government.

SB 1130—Economic Development, Tourism

and Local Government.

SB 1131—Aging, Families, Mental and Public Health.

SB 1132—Economic Development, Tourism and Local Government.

SB 1133—Financial and Governmental Organizations and Elections.

SB 1134—Financial and Governmental Organizations and Elections.

Senator Griesheimer assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 915**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 915

An Act to amend chapters 135 and 393, RSMo, by adding thereto six new sections relating to the green power initiative, with an effective date.

Was taken up by Senator Koster.

On motion of Senator Koster, **SCS** for **SB 915** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 749, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to interior designers.

Was called from the Consent Calendar and taken up.

SCS for **SB 749**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 749

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to interior designers.

Was taken up.

Senator Engler moved that **SCS** for **SB 749** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 749** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 747, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to used car dealer courses.

Was called from the Consent Calendar and taken up.

SCS for **SB 747**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 747

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to used car dealer courses.

Was taken up.

Senator Klindt moved that **SCS** for **SB 747** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 747** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators

Barnitz Green—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 641, introduced by Senator Scott, entitled:

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 641** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 818, introduced by Senator Scott, entitled:

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 818** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—27	

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 819, introduced by Senator Scott, entitled:

An Act to repeal section 327.391, RSMo, and to enact in lieu thereof one new section relating to professional engineer and land surveyor licenses.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 819** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 828, introduced by Senator Scott, entitled:

An Act to repeal section 332.311, RSMo, and to enact in lieu thereof one new section relating to dental hygienist.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 828** was read

the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 678, introduced by Senator Gross, entitled:

An Act to repeal sections 32.051 and 143.072, RSMo, relating to certain quarterly tax collection reports.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 678** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 630, with **SCS**, introduced by Senator Gross, entitled:

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the homestead preservation tax.

Was called from the Consent Calendar and taken up.

SCS for **SB 630**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 630

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the homestead preservation tax.

Was taken up.

Senator Gross moved that **SCS** for **SB 630** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 630** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 805, introduced by Senator Gross, entitled:

An Act to repeal sections 140.250, 140.340, and 140.405, RSMo, and to enact in lieu thereof three new sections relating to collection of delinquent taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 805** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators
Days Klindt Koster—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

SB 612, introduced by Senator Engler, entitled:

An Act to authorize the conveyance of property owned by the state in St. Francois County to the Farmington American Legion Post 416, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 612** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Days Klindt Koster—3

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 712, introduced by Senator Scott, entitled:

An Act to authorize the conveyance of property owned by the state in Pettis County to the Heart of Missouri Girl Scout Council.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 712** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway

Scott Shields Stouffer Vogel
Wheeler Wilson—30

NAYS—Senators—None

Absent—Senators
Days Dougherty Klindt—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 648, introduced by Senator Champion, entitled:

An Act to repeal section 320.010, RSMo, and to enact in lieu thereof one new section relating to entities subject to fire protection regulation.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 648** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators
Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 677, introduced by Senator Gross, entitled:

An Act to repeal sections 192.400, 192.410, and 192.420, RSMo, and to enact in lieu thereof three new sections relating to radiation control.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 677** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators
Dougherty Klindt Scott—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 559, introduced by Senator Gibbons, entitled:

An Act to repeal section 393.705, RSMo, and to enact in lieu thereof one new section relating to joint municipal utility commissions.

Was called from the Consent Calendar and taken up.

On motion of Senator Gibbons, **SB 559** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 558, introduced by Senator Gibbons, entitled:

An Act to repeal section 393.310, RSMo, and to enact in lieu thereof one new section relating to experimental tariffs of gas corporations.

Was called from the Consent Calendar and taken up.

On motion of Senator Gibbons, **SB 558** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 746, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal section 79.060, RSMo, and to enact in lieu thereof one new section relating to the board of alderman in fourth class cities.

Was called from the Consent Calendar and taken up.

SCS for **SB 746**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 746

An Act to repeal section 79.060, RSMo, and to enact in lieu thereof one new section relating to the board of alderman in fourth class cities.

Was taken up.

Senator Klindt moved that **SCS** for **SB 746** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 746** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 881, introduced by Senator Engler, entitled:

An Act to authorize the conveyance of property owned by the state to St. Francois County.

Was called from the Consent Calendar and taken up.

Senator Scott assumed the Chair.

On motion of Senator Engler, **SB 881** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

SB 802, with **SCS**, introduced by Senator Shields, entitled:

An Act to amend chapter 249, RSMo, by adding thereto one new section relating to sewer districts in certain counties, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 802**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 802

An Act to amend chapter 249, RSMo, by adding thereto one new section relating to sewer districts in certain counties, with an emergency clause.

Was taken up.

Senator Shields moved that **SCS** for **SB 802** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 802** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Crowell Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 900, introduced by Senator Shields, entitled:

An Act to repeal section 161.410, RSMo, and to enact in lieu thereof one new section relating to the Missouri commission for deaf and hard of hearing fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 900** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 765, with **SCS**, introduced by Senator Dougherty, entitled:

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment.

Was called from the Consent Calendar and taken up.

SCS for **SB 765**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 765

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment, with an emergency clause.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 765** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 765** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Klindt Wheeler—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 618, introduced by Senator Koster, entitled:

An Act to repeal section 454.530, RSMo, and to enact in lieu thereof one new section relating to child support payments.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 618** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1003**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 585**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

MESSAGES FROM THE GOVERNOR

The following messages were received from

the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Brian K. Hammons to the Missouri State University Board of Governors, submitted on January 31, 2006. Line 1 should be amended as follows:

“Brian K. Hammons, Republican, 712 East Sunset, Stockton, Cedar County, Missouri”

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vergil L. Belfi, 5638 Murdoch, Saint Louis City, Missouri 63109, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 27, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel S. Britts, 407 Donna Bella Place, Jefferson City, Cole County, Missouri 65109, as student representative of Lincoln University Board of Curators, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Leonard Woodson, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Edward L. Bryant, 3343 Greiner Drive, Saint Charles, Saint
Charles County, Missouri 63301, as a member of the Missouri
Training and Employment Council, for a term ending August 28,
2009, and until his successor is duly appointed and qualified; vice,
Virginia Mee, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Michelle M. Colbert, Republican, 389 West Highway 8,
Steelville, Crawford County, Missouri 65565, as a member of the
State Committee of Marital and Family Therapists, for a term
ending January 26, 2010, and until her successor is duly appointed
and qualified; vice, Wayne T. Allen, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

H. Dwight Douglas, Republican, 6126 Highland Drive,
Joplin, Newton County, Missouri 64804, as a member of the
Missouri Southern State University-Joplin Board of Governors, for
a term ending August 30, 2011, and until his successor is duly
appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Michael T. Force, 474 Fox Trail Drive, Lake Saint Louis,
Saint Charles County, Missouri 63367, as a member of the Peace
Officer Standards and Training Commission, for a term ending
October 3, 2008, and until his successor is duly appointed and
qualified; vice, Laura Webster, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Dixie L. Greer, 1540 Coachway Lane, Hazelwood, Saint
Louis County, Missouri 63042, as a member of the State Committee
of Dietitians, for a term ending June 11, 2009, and until her
successor is duly appointed and qualified; vice, Joan A. Shores,
term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Donald L. Hiatte, 3988 County Road 436, New Bloomfield,
Callaway County, Missouri 65063, as a member and chair of the
Missouri Board for Architects, Professional Engineers, Professional
Land Surveyors and Landscape Architects, for a term ending

September 30, 2009, and until his successor is duly appointed and qualified; vice, James Anderson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Promod Kumar, 830 Nykiel Court, Saint Louis, Ballwin County, Missouri 63011, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrick A. Naeger, 683 Perry County Road 903, Perryville, Perry County, Missouri 63775, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2008, and until his successor is duly appointed and qualified; vice, Susan Feigenbaum, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Shawn T. Ordway, 1312 Dogwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2007, and until his successor is duly appointed and qualified; vice, James Hendren, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Hal D. Roper, Republican, 4 Timber Run, Joplin, Newton County, Missouri 64804, as a member of the Missouri Community Service Commission, for a term ending December 12, 2007, and until his successor is duly appointed and qualified; vice Brenda Nolte, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 28, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip W. Schwarz, 764 Northwest Schwarz Road, Gower, Clinton County, Missouri 64454, as student representative of Linn State Technical College Board of Regents, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Jeffrey Dierking, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above addendum and appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SB 583** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1252—By Scott.

An Act to amend chapter 454, RSMo, by adding thereto one new section relating to the adoption of children with special needs.

SB 1253—By Mayer.

An Act to repeal section 304.010, RSMo, and to enact in lieu thereof one new section relating to county road speed limits, with penalty provisions.

SB 1254—By Shields, Koster, Crowell, Gibbons, Goodman, Bartle, Purgason, Clemens, Scott, Klindt, Vogel, Ridgeway, Loudon, Griesheimer, Nodler, Engler, Barnitz, Stouffer, Cauthorn, Gross, Alter, Mayer, Champion, Wheeler, Green, Callahan and Kennedy.

An Act to repeal sections 105.473, 130.032, and 130.046, RSMo, and to enact in lieu thereof three new sections relating to ethics.

SB 1255—By Dougherty.

An Act to repeal section 208.014, RSMo, and to enact in lieu thereof seven new sections relating to the reorganization of the state health care system, with an emergency clause.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2223, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Theodore Hurtgen, Jr., Hillsboro, which was adopted.

COMMUNICATIONS

Senator Shields submitted the following:

March 1, 2006

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 93rd General Assembly's 15th Senate District Caucus at the January 6th, 2005 meeting.

Please add the following members to the caucus:

- Representative Jane Bogetto
- Representative Pat Yaeger
- Representative Dwight Scharnhorst

Sincerely,

/s/ Charlie Shields

Charlie Shields

Senator Coleman submitted the following:

March 1, 2006

Senator Michael Gibbons	Senator Charlie Shields	Terry L. Spieler
Senate Pro Tem	Majority Floor Leader &	Secretary of the Senate
State Capitol, Room 326	Rules Committee Chair	State Capitol, Room 325
Jefferson City, MO 65101	State Capitol, Room 320	Jefferson City, MO 65101
	Jefferson City, MO 65101	

Re: SB 901 (Consent Calendar 2/23/06)

Written Objection Pursuant to Senate Rule 45

Senators Gibbons & Shields, Secretary Spieler:

I hereby file written objection to the "consent" status of SB 901 and direct that said bill be returned to the Senate Committee on Pensions, Veterans Affairs and General Laws, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ Maida J. Coleman

Maida Coleman

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Shea Patton, East Newton High School, Granby.

Senator Nodler introduced to the Senate, Dr. Phillip McClendon, Joplin.

Senator Stouffer introduced to the Senate,

Cheryl Adams and Becky Bogdanowitz, Glasgow High School.

Senator Griesheimer introduced to the Senate, Jasmine Lilly, Sullivan.

Senator Engler introduced to the Senate, Kristen Hart, West County High School.

On behalf of Senator Clemens and herself, Senator Champion introduced to the Senate, Dr. and Mrs. Keith LaFerriere, M.D., Springfield.

Senator Klindt introduced to the Senate, Kadi Byers, Braymer C-4 High School.

Senator Barnitz introduced to the Senate, Tara Montcalm, Bourbon High School.

Senator Purgason introduced to the Senate, Tiffany Price, Lebanon High School.

Senator Crowell introduced to the Senate, Andrea Graham, Fredericktown; and Alexandria Heberlie, Perryville.

Senator Loudon introduced to the Senate, Becky Vinyard and sixty fourth grade students from McNair Elementary School, Hazelwood.

Senator Graham introduced to the Senate, Heather Terry, Westran High School, Huntsville.

Senator Vogel introduced to the Senate, Jasmine Carter, Jefferson City.

Senator Wheeler introduced to the Senate, Chris Garcia, Grandview.

Senator Goodman introduced to the Senate, Janet Sullivan and Melissa Burnette, Cassville.

Senator Scott introduced to the Senate, Josie Pitts, Cole Camp R-I.

Senator Scott introduced to the Senate, Deborah Biermann, Gary Farr, Glenda S. Farr, Todd Whitney, Derek Vaught, Ryan Wiedeman, Keith Riesberg, Greg Harrell, Brandon Stambaush, Guy Wright, Chris Stewart, David Parkhurst, Betty Blackwell, Mark Hirshberg, Pam Lindstrom and Andrew S. Burt, Sedalia.

On behalf of Senator Ridgeway, Senator Loudon introduced to the Senate, Dr. Lancer Gates, Liberty.

Senator Kennedy introduced to the Senate, Kathie Bryson and Julie Hipps, St. Louis; and Julia Spears, Franklin, Tennessee.

Senator Koster introduced to the Senate, Emily Huholz, Adrian.

Senator Gross introduced to the Senate, Beth Kertz, Ste. Genevieve High School.

Senator Shields introduced to the Senate, Sarah Miller, Mound City R-II.

Senator Cauthorn introduced to the Senate, Caleb Alberts, Miranda Crane, Adam Hayes, Audra Gilstrap, Matthew Norman, Emily Haines, Daniel Ouellette, Emily Richards, Benjamin Dunn, Camille Hackamack, Starla Dunn, Cheryl Alberts and Debbie Francis, Hannibal.

Senator Kennedy introduced to the Senate, Helen Finegar and Mark Ludwig, Cathie Sorbello, Larry Giesing, Steven Mossotti, Judy Fleming, Carla Juelfs, Linda Hopson, Bruce Hopson, Matt Thum, Art Schuermann, Jerry Kramer, Jerry Bridges, John McGrath and Claude Lynch, St. Louis; Donna Schumann and Lee Williams, High Ridge; Jennifer Goodall, Valley Park; James Silvernail and Mark Bussen, Wildwood; Hilda Schryver, Hillsboro; Greg Meyer, Columbia, Illinois; Craig Bussen, Ballwin; Trish Aumann, Arnold; and Jack Wier, Fenton; members of the South County Chamber of Commerce.

Senator Shields introduced to the Senate, J.L. Robertson, Imogean Myers, Charollette Dick, Tom Dick, Dennis Myers, Karen Schakel, Mary Hall, Sean Barnatt, Logan Burns, Renee Marker, Zaine Myers, Annette Burns, Becky Myers and Chester Edwards.

Senator Kennedy introduced to the Senate, Tony Rezek and Tracy Unger, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY—THURSDAY, MARCH 2, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1135-Scott	SB 1165-Klindt
SB 1136-Vogel	SB 1166-Klindt
SB 1137-Vogel	SB 1167-Days
SB 1138-Vogel	SB 1168-Bray
SB 1139-Gibbons and Kennedy	SB 1169-Bray
SB 1140-Gibbons	SB 1170-Bray
SB 1141-Barnitz	SB 1171-Bray
SB 1142-Graham	SB 1172-Bray
SB 1143-Mayer	SB 1173-Bray
SB 1144-Mayer	SB 1174-Stouffer
SB 1145-Mayer	SB 1175-Stouffer
SB 1146-Ridgeway	SB 1176-Stouffer
SB 1147-Ridgeway, et al	SB 1177-Callahan
SB 1148-Ridgeway	SB 1178-Callahan
SB 1149-Kennedy	SB 1179-Callahan and Koster
SB 1150-Bartle	SB 1180-Callahan
SB 1151-Bartle	SB 1181-Griesheimer
SB 1152-Bartle	SB 1182-Griesheimer
SB 1153-Bartle	SB 1183-Vogel
SB 1154-Mayer	SB 1184-Vogel
SB 1155-Stouffer	SB 1185-Engler
SB 1156-Nodler	SB 1186-Engler
SB 1157-Loudon	SB 1187-Gibbons
SB 1158-Clemens	SB 1188-Gibbons
SB 1159-Clemens	SB 1189-Gibbons
SB 1160-Mayer, et al	SB 1190-Loudon
SB 1161-Shields	SB 1191-Loudon
SB 1162-Nodler	SB 1192-Wheeler, et al
SB 1163-Nodler	SB 1193-Wheeler
SB 1164-Graham, et al	SB 1194-Wheeler

SB 1195-Wheeler	SB 1228-Purgason
SB 1196-Wheeler	SB 1229-Champion
SB 1197-Wheeler and Champion	SB 1230-Dougherty
SB 1198-Scott	SB 1231-Dougherty
SB 1199-Scott	SB 1232-Bartle
SB 1200-Scott	SB 1233-Bartle
SB 1201-Dougherty	SB 1234-Bartle
SB 1202-Dougherty	SB 1235-Engler
SB 1203-Dougherty	SB 1236-Engler
SB 1204-Dougherty	SB 1237-Callahan
SB 1205-Dougherty and Gross	SB 1238-Callahan
SB 1206-Mayer	SB 1239-Gibbons
SB 1207-Mayer	SB 1240-Koster
SB 1208-Koster	SB 1241-Koster
SB 1209-Koster	SB 1242-Cauthorn
SB 1210-Koster, et al	SB 1243-Loudon
SB 1211-Coleman and Gibbons	SB 1244-Loudon
SB 1212-Coleman	SB 1245-Goodman, et al
SB 1213-Coleman and Ridgeway	SB 1246-Bray
SB 1214-Goodman	SB 1247-Vogel
SB 1215-Goodman	SB 1248-Crowell, et al
SB 1216-Goodman	SB 1249-Alter
SB 1217-Goodman	SB 1250-Alter
SB 1218-Goodman	SB 1251-Shields
SB 1219-Goodman	SB 1252-Scott
SB 1220-Goodman	SB 1253-Mayer
SB 1221-Goodman	SB 1254-Shields, et al
SB 1222-Goodman	SB 1255-Dougherty
SB 1223-Scott	SJR 40-Bartle
SB 1224-Ridgeway	SJR 41-Mayer
SB 1225-Ridgeway	SJR 42-Nodler and Gross
SB 1226-Ridgeway	SJR 43-Crowell, et al
SB 1227-Bray and Days	

HOUSE BILLS ON SECOND READING

HCS for HJR 36	HB 1169-Cooper (120)
HJR 28-Jackson	HB 1157-Cooper (120), et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 872, 754 &
669-Gibbons (In Fiscal Oversight)
SCS for SBs 1001, 896 & 761-Griesheimer

SS#2 for SCS for SB 583-Griesheimer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 816-Griesheimer and Coleman, with SCS
SB 646-Griesheimer, with SCS
SB 566-Dougherty, et al, with SCS
SBs 665 & 757-Engler, with SCS
SB 643-Scott

SRB 848-Bartle, with SCS
SB 916-Koster, et al, with SCS
SB 938-Stouffer
SB 953-Engler, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS
SB 596-Days
SB 644-Shields
SB 689-Scott
SB 690-Champion, with SCS

SB 780-Klindt
SB 820-Koster, with SCS
SB 832-Griesheimer, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SBs 1014 & 730-Scott and Gibbons, with SCS
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 580-Shields, with SCS
SB 650-Champion, with SCS

SB 840-Stouffer
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
SB 906-Engler
SB 932-Scott, with SCS
SB 933-Scott
SB 934-Engler, with SCS
SB 561-Gross
SB 766-Vogel
SB 936-Vogel

SB 893-Scott
SB 919-Scott
SB 751-Stouffer, with SCS
SB 863-Engler
SB 809-Graham
SB 760-Engler, with SCS
SB 830-Ridgeway, et al, with SCS
SB 871-Coleman

Reported 2/23

SB 965-Bartle
SB 806-Gross, with SCS
SB 964-Crowell
SB 990-Vogel

SBs 667, 704, 941, 956 & 987-Engler,
with SCS
SB 779-Engler
SB 735-Crowell

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

To be Referred

SCR 30-Scott

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-THIRD DAY—THURSDAY, MARCH 2, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Blessed be God, because he has not rejected my prayer or removed his steadfast love from me." (Psalm 66:20)

Almighty God, we pass the halfway point of this session mindful of all that is ahead of us and all that must be accomplished. We fluctuate between our wish to quickly finish up what is before us and our desire to have all the facts be weighed in before we decide how to vote. So help us balance our lives between these two poles and help us make solid decisions that produce the most good in a timely manner. And watch over our going out and coming in this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter

Barnitz

Bartle

Bray

Callahan

Coleman

Engler

Green

Klindt

Purgason

Stouffer

Cauthorn

Crowell

Gibbons

Griesheimer

Loudon

Ridgeway

Vogel

Champion

Days

Goodman

Gross

Mayer

Scott

Wheeler

Clemens

Dougherty

Graham

Kennedy

Nodler

Shields

Wilson—32

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 2224, regarding the Hannibal Parks and Recreation Board, which was adopted.

Senator Scott offered Senate Resolution No. 2225, regarding Cleo Foltz, Wheatland, which was adopted.

Senator Stouffer offered Senate Resolution No. 2226, regarding the One Hundredth Birthday of Rufus Emery Tompkins, Macon, which was adopted.

Senator Graham offered Senate Resolution No. 2227, regarding Douglas Henry, Moberly,

which was adopted.

Senator Klindt offered Senate Resolution No. 2228, regarding Matthew Aaron Poehler, which was adopted.

THIRD READING OF SENATE BILLS

SB 580, with **SCS**, introduced by Senator Shields, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the creation of a more effective education system.

Was called from the Consent Calendar and taken up.

SCS for **SB 580**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 580

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the creation of a more effective education system.

Was taken up.

Senator Shields moved that **SCS** for **SB 580** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 580** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senators

Crowell Graham—2

Absent with leave—Senators

Koster Ridgeway—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 650, with **SCS**, introduced by Senator Champion, entitled:

An Act to repeal sections 174.453 and 174.500, RSMo, and to enact in lieu thereof two new sections relating to the board of governors of Missouri State University, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 650**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 650

An Act to repeal sections 174.450, 174.453, and 174.500, RSMo, and to enact in lieu thereof three new sections relating to the board of governors of Missouri State University, with an emergency clause.

Was taken up.

Senator Champion moved that **SCS** for **SB 650** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 650** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer

Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senators
Crowell Graham—2

Absent with leave—Senators
Koster Ridgeway—2

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senators
Crowell Graham—2

Absent with leave—Senators
Koster Ridgeway—2

Vacancies—1

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 840, introduced by Senator Stouffer,

entitled:

An Act to repeal section 227.299, RSMo, and to enact in lieu thereof one new section relating to the process of designating highways and bridges.

Was called from the Consent Calendar and taken up.

Senator Griesheimer assumed the Chair.

On motion of Senator Stouffer, **SB 840** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators
Graham Kennedy—2

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 908, introduced by Senator Stouffer, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 908** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 837, introduced by Senators Loudon and Klindt, entitled:

An Act to repeal sections 379.860 and 383.175, RSMo, and to enact in lieu thereof two new sections relating to changing the membership of governing bodies that administer insurance programs.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **SB 837** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Green—2
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Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 906, introduced by Senator Engler, entitled:

An Act to repeal section 701.312, RSMo, and to enact in lieu thereof one new section relating to lead abatement.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 906** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 932, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 54.040, RSMo, and to enact in lieu thereof one new section relating to county treasurers.

Was called from the Consent Calendar and taken up.

SCS for **SB 932**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 932

An Act to repeal sections 50.339 and 54.040, RSMo, and to enact in lieu thereof two new sections relating to county officials.

Was taken up.

Senator Scott moved that **SCS** for **SB 932** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 932** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Loudon

Mayer

Scott

Wheeler

Nodler

Shields

Wilson—30

Purgason

Stouffer

Ridgeway

Vogel

NAYS—Senators—None

Absent—Senators

Barnitz

Klindt—2

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 933, introduced by Senator Scott, entitled:

An Act to repeal sections 388.600, 388.605, 388.615, and 388.645, RSMo, and to enact in lieu thereof four new sections relating to railroad policemen.

Was called from the Consent Calendar and taken up.

Senator Crowell assumed the Chair.

On motion of Senator Scott, **SB 933** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Barnitz Klindt—2

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 934, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal section 328.115, RSMo, and to enact in lieu thereof one new section relating to barbers and barber establishments.

Was called from the Consent Calendar and taken up.

SCS for **SB 934**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 934

An Act to repeal sections 328.115 and 329.045, RSMo, and to enact in lieu thereof two new sections relating to barber and cosmetology establishments.

Was taken up.

Senator Engler moved that **SCS** for **SB 934** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 934** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt

Purgason

Stouffer

Loudon

Ridgeway

Vogel

Mayer

Scott

Wheeler

Nodler

Shields

Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SBs 872, 754 and 669** and **SS No. 2** for **SCS** for **SB 583**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 872, 754 and 669**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 872, 754 and 669

An Act to repeal sections 302.302, 304.022, 304.070, 304.351, and 304.580, RSMo, and to enact in lieu thereof seven new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers,

children, and other motorists, with penalty provisions and an effective date for a certain section.

Was taken up.

On motion of Senator Gibbons, **SS** for **SCS** for **SBs 872, 754 and 669** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SBs 1001, 896 and 761**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1001, 896 and 761

An Act to repeal sections 302.130, 302.171, and 302.178, RSMo, and to enact in lieu thereof four new sections relating to the licensure of certain motor vehicle drivers, with penalty provisions and an emergency clause for a certain section.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SBs 1001, 896 and 761** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Barnitz Graham—2

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

On motion of Senator Griesheimer, title to the

bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SB 583**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.350, 307.353, 307.355, 307.360, 307.365, 307.366, 307.370, 307.375, 307.380, 307.385, 307.390, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof fifteen new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Was taken up.

Senator Gross assumed the Chair.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 583** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Days	Dougherty	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Klindt	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—28

NAYS—Senators

Bray Graham—2

Absent—Senators

Crowell Wheeler—2

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kenneth M. Berry, as a member of the Seismic Safety Commission;

Also,

John R. Teale, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Keith A. LaFerriere, M.D., Democrat, as a member of the State Board of Registration for the Healing Arts;

Also,

Steven L. Bruce and Dwight E. Diehl, as members of the Peace Officer Standards and Training Commission;

Also,

Christopher L. Davis, as student representative of Southeast Missouri State University Board of Regents;

Also,

Jason R. Hackler, as a member of the Missouri Acupuncturist Advisory Committee;

Also,

Henry T. Herschel, as a member of the Missouri State Public Employees Deferred Compensation Commission;

Also,

Phillip W. McClendon, as a member of the State Mental Health Commission;

Also,

Joseph J. Frank, as a member of the Missouri Veterans' Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1020**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 582**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which were referred **SB 613**, **SB 1030** and **SB 899**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which were referred **SB 1031** and **SB 846**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 718**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 822**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic

Development, Tourism and Local Government, to which was referred **SB 951**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 825**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 616**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 974**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 589**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural

Resources, to which was referred **SB 1008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 834**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 947**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, Senator Shields submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 637**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 981**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 901**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 635**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred **SCR 30** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1249**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to sales and use tax exemptions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1688**, entitled:

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to the sole purpose of excluding a sales tax imposed by Jackson County for sports stadium improvement from economic activity tax revenues for tax increment finance projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HB 1393**, entitled:

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to secondary employment for the members of the Missouri state highway patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1234**, entitled:

An Act to repeal sections 335.212 and 335.233, RSMo, and to enact in lieu thereof two new sections relating to the nursing student loan program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instruction by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1105**, entitled:

An Act to repeal section 302.080, RSMo, and to enact in lieu thereof one new section relating to automatic renewal of driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Gross assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1135—Financial and Governmental Organizations and Elections.

SB 1136—Ways and Means.

SB 1137—Ways and Means.

SB 1138—Ways and Means.

SB 1139—Transportation.

SB 1140—Ways and Means.

SB 1141—Transportation.

SB 1142—Education.

SB 1143—Transportation.

SB 1144—Judiciary and Civil and Criminal Jurisprudence.

SB 1145—Pensions, Veterans' Affairs and General Laws.

SB 1146—Judiciary and Civil and Criminal Jurisprudence.

SB 1147—Pensions, Veterans' Affairs and General Laws.

SB 1148—Financial and Governmental Organizations and Elections.

SB 1149—Small Business, Insurance and Industrial Relations.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Steve and Laurie McAdams and their children, Morgan and Grant, Ironton; and Grant was made an honorary page.

Senator Loudon introduced to the Senate, Elise Kostial, West County Christian Home Educators, Ellisville; and Elise was made an honorary page.

Senator Crowell introduced to the Senate, Sharon Gentry and fourth grade students from Cape Christian School, Cape Girardeau.

Senator Griesheimer introduced to the Senate, Susan Parks and seventh grade students from Our Lady of Lourdes School, Washington.

Senator Barnitz introduced to the Senate, Sandra Radford, Tony Edwards, Diane Urton and Teresa Pitchford and ninety-two fourth grade students from Salem Upper Elementary School.

Senator Stouffer introduced to the Senate, Friends of Historic Arrow Rock.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 6, 2006.

SENATE CALENDAR

THIRTY-FOURTH DAY—MONDAY, MARCH 6, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1150-Bartle

SB 1151-Bartle

SB 1152-Bartle

SB 1153-Bartle

SB 1154-Mayer

SB 1155-Stouffer

SB 1156-Nodler

SB 1157-Loudon

SB 1158-Clemens

SB 1159-Clemens

SB 1160-Mayer, et al

SB 1161-Shields

SB 1162-Nodler	SB 1202-Dougherty
SB 1163-Nodler	SB 1203-Dougherty
SB 1164-Graham, et al	SB 1204-Dougherty
SB 1165-Klindt	SB 1205-Dougherty and Gross
SB 1166-Klindt	SB 1206-Mayer
SB 1167-Days	SB 1207-Mayer
SB 1168-Bray	SB 1208-Koster
SB 1169-Bray	SB 1209-Koster
SB 1170-Bray	SB 1210-Koster, et al
SB 1171-Bray	SB 1211-Coleman and Gibbons
SB 1172-Bray	SB 1212-Coleman
SB 1173-Bray	SB 1213-Coleman and Ridgeway
SB 1174-Stouffer	SB 1214-Goodman
SB 1175-Stouffer	SB 1215-Goodman
SB 1176-Stouffer	SB 1216-Goodman
SB 1177-Callahan	SB 1217-Goodman
SB 1178-Callahan	SB 1218-Goodman
SB 1179-Callahan and Koster	SB 1219-Goodman
SB 1180-Callahan	SB 1220-Goodman
SB 1181-Griesheimer	SB 1221-Goodman
SB 1182-Griesheimer	SB 1222-Goodman
SB 1183-Vogel	SB 1223-Scott
SB 1184-Vogel	SB 1224-Ridgeway
SB 1185-Engler	SB 1225-Ridgeway
SB 1186-Engler	SB 1226-Ridgeway
SB 1187-Gibbons	SB 1227-Bray and Days
SB 1188-Gibbons	SB 1228-Purgason
SB 1189-Gibbons	SB 1229-Champion
SB 1190-Loudon	SB 1230-Dougherty
SB 1191-Loudon	SB 1231-Dougherty
SB 1192-Wheeler, et al	SB 1232-Bartle
SB 1193-Wheeler	SB 1233-Bartle
SB 1194-Wheeler	SB 1234-Bartle
SB 1195-Wheeler	SB 1235-Engler
SB 1196-Wheeler	SB 1236-Engler
SB 1197-Wheeler and Champion	SB 1237-Callahan
SB 1198-Scott	SB 1238-Callahan
SB 1199-Scott	SB 1239-Gibbons
SB 1200-Scott	SB 1240-Koster
SB 1201-Dougherty	SB 1241-Koster

SB 1242-Cauthorn
 SB 1243-Loudon
 SB 1244-Loudon
 SB 1245-Goodman, et al
 SB 1246-Bray
 SB 1247-Vogel
 SB 1248-Crowell, et al
 SB 1249-Alter
 SB 1250-Alter

SB 1251-Shields
 SB 1252-Scott
 SB 1253-Mayer
 SB 1254-Shields, et al
 SB 1255-Dougherty
 SJR 40-Bartle
 SJR 41-Mayer
 SJR 42-Nodler, et al
 SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HJR 36
 HJR 28-Jackson
 HB 1169-Cooper (120)
 HB 1157-Cooper (120), et al
 HB 1249-Spreng, et al

HB 1688-Johnson (47), et al
 HB 1393-Behnen, et al
 HB 1234-Loehner, et al
 HB 1105-Wilson (119), et al

SENATE BILLS FOR PERFECTION

1. SB 816-Griesheimer and Coleman,
with SCS
2. SB 646-Griesheimer, with SCS
3. SB 566-Dougherty, et al,
with SCS
4. SBs 665 & 757-Engler, with SCS
5. SB 643-Scott
6. SRB 848-Bartle, with SCS
7. SB 916-Koster, et al, with SCS
8. SB 938-Stouffer
9. SB 953-Engler, et al, with SCS

10. SBs 613, 1030 & 899-Engler and
Crowell, with SCS
11. SBs 1031 & 846-Klindt, with SCS
12. SB 718-Crowell and Mayer, with SCS
13. SB 822-Gross
14. SB 825-Koster, et al, with SCS
15. SB 616-Stouffer, with SCS
16. SB 589-Bartle
17. SB 637-Cauthorn, et al, with SCS
18. SB 901-Shields
19. SB 635-Cauthorn

HOUSE BILLS ON THIRD READING

HCS for HB 1014-Icet, with SCS (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890-Bartle and Scott, with SCS	SB 820-Koster, with SCS
SB 596-Days	SB 832-Griesheimer, with SCS
SB 644-Shields	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 689-Scott	SBs 1014 & 730-Scott and Gibbons, with SCS
SB 690-Champion, with SCS	SJR 26-Ridgeway and Graham
SB 780-Klindt	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 561-Gross	SB 863-Engler
SB 766-Vogel	SB 809-Graham
SB 936-Vogel	SB 760-Engler, with SCS
SB 893-Scott	SB 830-Ridgeway, et al, with SCS
SB 919-Scott	SB 871-Coleman
SB 751-Stouffer, with SCS	

Reported 2/23

SB 965-Bartle	SBs 667, 704, 941, 956 & 987-Engler, with SCS
SB 806-Gross, with SCS	SB 779-Engler
SB 964-Crowell	SB 735-Crowell
SB 990-Vogel	

Reported 3/2

SB 1020-Vogel	SB 1008-Klindt, with SCS
SB 582-Griesheimer	SB 834-Nodler
SB 951-Cauthorn	SB 947-Shields
SB 974-Shields	SB 981-Goodman, et al

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial

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Journal

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SECOND REGULAR SESSION

THIRTY-FOURTH DAY—MONDAY, MARCH 6, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"As God's chosen ones, holy and beloved, clothe yourselves with compassion, kindness, humility, meekness and patience." (Colossians 3:12)

Merciful God, where we are resentful, You are full of mercy. Where we are argumentative, You acquiesce. Where we show snobbery and superiority, You correct with gentleness and instruct with kindness. Help us to learn from You to provide what is truly needful and calming as we deal with each other this new week so we may accomplish the most good working together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 2, 2006 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Green offered Senate Resolution No. 2229, regarding Jana Elementary School, Florissant, which was adopted.

Senator Scott offered Senate Resolution No. 2230, regarding Kristen Hoelscher, which was adopted.

Senator Scott offered Senate Resolution No. 2231, regarding Jeff W. Witt, which was adopted.

Senator Scott offered Senate Resolution No. 2232, regarding Carol Perkins, which was adopted.

Senator Alter offered Senate Resolution No. 2233, regarding Kristen Holt, Cottleville, which was adopted.

Senator Alter offered Senate Resolution No.

2234, regarding R. Odell Beauchamp, which was adopted.

Senator Dougherty offered Senate Resolution No. 2235, regarding Linda Schroeder, which was adopted.

Senator Dougherty offered Senate Resolution No. 2236, regarding Reverend Ted Schroeder, which was adopted.

Senator Coleman offered Senate Resolution No. 2237, regarding Con-Way Central Express, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 2238, regarding Lucy Obukowicz, Kirkwood, which was adopted.

Senator Champion offered Senate Resolution No. 2239, regarding Beth Trower, Springfield, which was adopted.

Senator Graham offered Senate Resolution No. 2240, regarding Lance Auck, Centralia, which was adopted.

Senator Loudon offered Senate Resolution No. 2241, regarding Timothy W. Jennings, D.O., Chesterfield, which was adopted.

Senator Mayer offered Senate Resolution No. 2242, regarding Gil Richardson, which was adopted.

Senator Mayer offered Senate Resolution No. 2243, regarding Brett Jansen, Advance, which was adopted.

Senator Stouffer offered Senate Resolution No. 2244, regarding Gordon Sires, Bates City, which was adopted.

Senator Stouffer offered Senate Resolution No. 2245, regarding Andrew Kueker, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 2246, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Richard Lawless,

which was adopted.

Senator Stouffer offered Senate Resolution No. 2247, regarding Jordan Garber, which was adopted.

Senator Stouffer offered Senate Resolution No. 2248, regarding Cabot Long, which was adopted.

Senator Stouffer offered Senate Resolution No. 2249, regarding Jon Carr, which was adopted.

Senator Stouffer offered Senate Resolution No. 2250, regarding Graham Padley, which was adopted.

Senator Stouffer offered Senate Resolution No. 2251, regarding Kenneth Norberg, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2252, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leland Helt, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2253, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Smith, Rayville, which was adopted.

Senator Gross offered Senate Resolution No. 2254, regarding Chelsea Huesemann, Saint Charles, which was adopted.

Senator Purgason offered Senate Resolution No. 2255, regarding Lindsey McElyea, Willow Springs, which was adopted.

Senator Nodler offered Senate Resolution No. 2256, regarding the One Hundredth Birthday of Dessie Leaming, Lockwood, which was adopted.

Senator Bray offered Senate Resolution No. 2257, regarding Zelda Epstein Learning Center, Brentwood, which was adopted.

Senator Bray offered Senate Resolution No. 2258, regarding Sarah Kurzu, Ladue, which was adopted.

Senator Bray offered Senate Resolution No.

2259, regarding Julia Rubin, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 2260, regarding McKay Yancey, Olivette, which was adopted.

Senator Alter offered Senate Resolution No. 2261, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Staggenborg, Pevely, which was adopted.

Senator Loudon offered Senate Resolution No. 2262, regarding Lawson Elementary School, Florissant, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 1014**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 1014**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1014** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for

HB 1014 was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 561, introduced by Senator Gross, entitled:

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boat admission fee revenue.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 561** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent with leave—Senator Koster—1

Vacancies—1

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 766, introduced by Senator Vogel, entitled:

An Act to repeal section 143.782, RSMo, and to enact in lieu thereof one new section relating to income tax set offs.

Was called from the Consent Calendar and taken up.

Senator Crowell assumed the Chair.

On motion of Senator Vogel, **SB 766** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1150—Judiciary and Civil and Criminal Jurisprudence.

SB 1151—Economic Development, Tourism and Local Government.

SB 1152—Pensions, Veterans' Affairs and General Laws.

SB 1153—Aging, Families, Mental and Public Health.

SB 1154—Financial and Governmental Organizations and Elections.

SB 1155—Aging, Families, Mental and Public Health.

SB 1156—Education.

SB 1157—Economic Development, Tourism and Local Government.

SB 1158—Agriculture, Conservation, Parks and Natural Resources.

SB 1159—Agriculture, Conservation, Parks and Natural Resources.

SB 1160—Economic Development, Tourism and Local Government.

SB 1161—Economic Development, Tourism and Local Government.

SB 1162—Governmental Accountability and Fiscal Oversight.

SB 1163—Governmental Accountability and Fiscal Oversight.

SB 1164—Education.

SB 1165—Commerce, Energy and the Environment.

SB 1166—Transportation.

SB 1167—Financial and Governmental Organizations and Elections.

SB 1168—Judiciary and Civil and Criminal Jurisprudence.

SB 1169—Education.

SB 1170—Financial and Governmental Organizations and Elections.

SB 1171—Pensions, Veterans' Affairs and General Laws.

SB 1172—Financial and Governmental Organizations and Elections.

SB 1173—Ways and Means.

SB 1174—Governmental Accountability and Fiscal Oversight.

SB 1175—Economic Development, Tourism and Local Government.

SB 1176—Transportation.

SB 1177—Economic Development, Tourism and Local Government.

SB 1178—Ways and Means.

SB 1179—Ways and Means.

SB 1180—Transportation.

SB 1181—Transportation.

SB 1182—Economic Development, Tourism and Local Government.

SB 1183—Ways and Means.

SB 1184—Economic Development, Tourism and Local Government.

SB 1185—Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 936, introduced by Senator Vogel, entitled:

An Act to repeal section 182.105, RSMo, and to enact in lieu thereof one new section relating to county library district bonds.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 936** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 893, introduced by Senator Scott, entitled:

An Act to repeal section 321.554, RSMo, and to enact in lieu thereof one new section relating to a sales tax for districts that provide certain

emergency services.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 893** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 919, introduced by Senator Scott, entitled:

An Act to repeal section 77.580, RSMo, relating to concealed weapons in third class cities.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 919** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 751, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

Was called from the Consent Calendar and taken up.

SCS for **SB 751**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 751

An Act to repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 751** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 751** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 863, introduced by Senator Engler, entitled:

An Act to repeal section 320.300, RSMo, and to enact in lieu thereof one new section relating to volunteer fire protection associations.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 863** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 809, introduced by Senator Graham, entitled:

An Act to repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

Was called from the Consent Calendar and taken up.

On motion of Senator Graham, **SB 809** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Graham, title to the bill was agreed to.

Senator Graham moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 760, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal section 490.733, RSMo, and to enact in lieu thereof one new section relating to hazardous materials.

Was called from the Consent Calendar and taken up.

SCS for **SB 760**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 760

An Act to repeal section 490.733, RSMo, and to enact in lieu thereof one new section relating to hazardous materials.

Was taken up.

Senator Engler moved that **SCS** for **SB 760** be adopted.

At the request of Senator Engler, the motion to adopt the **SCS** was withdrawn which placed the bill back on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1228**, entitled:

An Act to repeal sections 186.005, 186.014, 186.016, 186.018, 186.019, and 301.3112, RSMo, and to enact in lieu thereof three new sections relating to the Missouri Women's Council.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, his brother, Josh, Cape Girardeau.

Senator Loudon introduced to the Senate, Krista Bartelsmeyer and Cameron Cupt, Aurora; and Andrea Barron, Kansas City.

Senator Scott introduced to the Senate, members of the Appleton City High School Computer Club.

Senator Engler introduced to the Senate, his daughter and son-in-law, Aimee and Dustin Washam, Springfield.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY—TUESDAY, MARCH 7, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1186-Engler
SB 1187-Gibbons

SB 1188-Gibbons
SB 1189-Gibbons

SB 1190-Loudon	SB 1225-Ridgeway
SB 1191-Loudon	SB 1226-Ridgeway
SB 1192-Wheeler, et al	SB 1227-Bray and Days
SB 1193-Wheeler	SB 1228-Purgason
SB 1194-Wheeler	SB 1229-Champion, et al
SB 1195-Wheeler	SB 1230-Dougherty
SB 1196-Wheeler	SB 1231-Dougherty
SB 1197-Wheeler and Champion	SB 1232-Bartle
SB 1198-Scott	SB 1233-Bartle
SB 1199-Scott	SB 1234-Bartle
SB 1200-Scott	SB 1235-Engler
SB 1201-Dougherty	SB 1236-Engler
SB 1202-Dougherty	SB 1237-Callahan
SB 1203-Dougherty	SB 1238-Callahan
SB 1204-Dougherty	SB 1239-Gibbons
SB 1205-Dougherty and Gross	SB 1240-Koster
SB 1206-Mayer	SB 1241-Koster
SB 1207-Mayer	SB 1242-Cauthorn
SB 1208-Koster	SB 1243-Loudon
SB 1209-Koster	SB 1244-Loudon
SB 1210-Koster, et al	SB 1245-Goodman, et al
SB 1211-Coleman and Gibbons	SB 1246-Bray
SB 1212-Coleman	SB 1247-Vogel
SB 1213-Coleman and Ridgeway	SB 1248-Crowell, et al
SB 1214-Goodman	SB 1249-Alter
SB 1215-Goodman	SB 1250-Alter
SB 1216-Goodman	SB 1251-Shields
SB 1217-Goodman	SB 1252-Scott
SB 1218-Goodman	SB 1253-Mayer
SB 1219-Goodman	SB 1254-Shields, et al
SB 1220-Goodman	SB 1255-Dougherty
SB 1221-Goodman	SJR 40-Bartle
SB 1222-Goodman	SJR 41-Mayer
SB 1223-Scott	SJR 42-Nodler, et al
SB 1224-Ridgeway	SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HJR 36	HB 1169-Cooper (120)
HJR 28-Jackson	HB 1157-Cooper (120), et al

HB 1249-Spreng, et al
 HB 1688-Johnson (47), et al
 HB 1393-Behnen, et al

HB 1234-Loehner, et al
 HB 1105-Wilson (119), et al
 HB 1228-Ruestman, et al

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 816-Griesheimer and Coleman,
with SCS | 10. SBs 613, 1030 & 899-Engler and
Crowell, with SCS |
| 2. SB 646-Griesheimer, with SCS | 11. SBs 1031 & 846-Klindt, with SCS |
| 3. SB 566-Dougherty, et al,
with SCS | 12. SB 718-Crowell and Mayer, with SCS |
| 4. SBs 665 & 757-Engler, with SCS | 13. SB 822-Gross |
| 5. SB 643-Scott | 14. SB 825-Koster, et al, with SCS |
| 6. SRB 848-Bartle, with SCS | 15. SB 616-Stouffer, with SCS |
| 7. SB 916-Koster, et al, with SCS | 16. SB 589-Bartle |
| 8. SB 938-Stouffer | 17. SB 637-Cauthorn, et al, with SCS |
| 9. SB 953-Engler, et al, with SCS | 18. SB 901-Shields |
| | 19. SB 635-Cauthorn |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890-Bartle and Scott, with SCS	SB 820-Koster, with SCS
SB 596-Days	SB 832-Griesheimer, with SCS
SB 644-Shields	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 689-Scott	SBs 1014 & 730-Scott and Gibbons, with SCS
SB 690-Champion, with SCS	SJR 26-Ridgeway and Graham
SB 780-Klindt	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS
 SB 830-Ridgeway, et al, with SCS

SB 871-Coleman

Reported 2/23

SB 965-Bartle
SB 806-Gross, with SCS
SB 964-Crowell
SB 990-Vogel

SBs 667, 704, 941, 956 & 987-Engler,
with SCS
SB 779-Engler
SB 735-Crowell

Reported 3/2

SB 1020-Vogel
SB 582-Griesheimer
SB 951-Cauthorn
SB 974-Shields

SB 1008-Klindt, with SCS
SB 834-Nodler
SB 947-Shields
SB 981-Goodman, et al

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY—TUESDAY, MARCH 7, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...all of you be in agreement and that there be no divisions among you, but that you be united in the same mind and the same purpose.” (I Corinthians 1:10b)

Gracious God, You have blessed us with forgiveness for our sins, You have given us peace of heart and power to do Your bidding. And since You have shown us the way to confident living, so teach us to give up our contentiousness and lead us away from petty pride that divides us from one another. And bind us, one to the other, that we may work for the common good and seek always Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 2263, regarding Kristen O’Neal, Wheatland, which was adopted.

Senator Scott offered Senate Resolution No. 2264, regarding Blair Chism, Fair Play, which was adopted.

Senator Callahan offered Senate Resolution No. 2265, regarding Don P. Hartley, Independence, which was adopted.

Senator Coleman offered Senate Resolution No. 2266, regarding Bruce R. Bacon, M.D., which was adopted.

Senator Shields offered Senate Resolution No. 2267, regarding Lindsay Anne Short, Kansas City,

which was adopted.

Senators Ridgeway and Callahan offered Senate Resolution No. 2268, regarding Esther Wetzel, Independence, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2269, regarding Kelly Kosewicz, Washington, which was adopted.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2270

WHEREAS, Missouri State Teachers Association was founded on May 23, 1856, to promote education by advancing the ideals and standards of the teaching profession, to strive for the welfare of students, to secure conditions necessary for the greatest efficiency of schools, and uphold democracy; and

WHEREAS, MSTa has supported such important changes in Missouri education as the establishment of normal schools to ensure a well-trained supply of teachers, compulsory school attendance, free textbooks, basic school finance law, and increased funding for schools; and

WHEREAS, in addition to its stance against child labor, MSTa worked tirelessly for a state retirement system for teachers beginning with its first recommendation in 1907 and the subsequent passage of a constitutional amendment in 1936 and establishment of a statewide program in 1945; and

WHEREAS, in 1945 MSTa also helped write a new state constitution with provisions favorable to education, since which time it has supported such legislation that improves education for children and working conditions for teachers as the 1985 Excellence in Education Act, the 1993 Outstanding Schools Act, and the 1996 Safe Schools Act; and

WHEREAS, more than one hundred years ago MSTa founded The Reading Circle Program to encourage students to discover a lifelong joy in reading; and

WHEREAS, MSTa has been providing professional legal services for its members to protect members in job-related situations and has been sponsoring the largest teachers convention in the state with appropriate professional development for education employees; and

WHEREAS, MSTa also deserves mention of its ownership of Bunker Hill Resort as a nonprofit resort run exclusively for members and their families:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly,

join to applaud the long history of leadership and accomplishment garnered by the officers and members of the Missouri State Teachers Association and to convey to all of those involved this legislative body's most heartfelt congratulations as they celebrate the One Hundred Fiftieth Anniversary of the founding of their esteemed professional organization; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to the Missouri State Teachers Association.

Senator Gibbons offered Senate Resolution No. 2271, regarding Larry R. Miles, Manchester, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 1186—Ways and Means.

SB 1187—Financial and Governmental Organizations and Elections.

SB 1188—Commerce, Energy and the Environment.

SB 1189—Financial and Governmental Organizations and Elections.

SB 1190—Education.

SB 1191—Commerce, Energy and the Environment.

SB 1192—Judiciary and Civil and Criminal Jurisprudence.

SB 1193—Financial and Governmental Organizations and Elections.

SB 1194—Economic Development, Tourism and Local Government.

SB 1195—Economic Development, Tourism and Local Government.

SB 1196—Ways and Means.

SB 1197—Aging, Families, Mental and Public Health.

SB 1198—Judiciary and Civil and Criminal Jurisprudence.

SB 1199—Aging, Families, Mental and Public Health.

SB 1200—Governmental Accountability and Fiscal Oversight.

SB 1201—Pensions, Veterans' Affairs and General Laws.

SB 1202—Economic Development, Tourism and Local Government.

SB 1203—Commerce, Energy and the Environment.

SB 1204—Judiciary and Civil and Criminal Jurisprudence.

SB 1205—Ways and Means.

SB 1206—Aging, Families, Mental and Public Health.

SB 1207—Economic Development, Tourism and Local Government.

SB 1208—Judiciary and Civil and Criminal Jurisprudence.

SB 1209—Judiciary and Civil and Criminal Jurisprudence.

SB 1210—Pensions, Veterans' Affairs and General Laws.

SB 1211—Education.

SB 1212—Economic Development, Tourism and Local Government.

SB 1213—Financial and Governmental Organizations and Elections.

SB 1214—Financial and Governmental Organizations and Elections.

SB 1215—Transportation.

SB 1216—Small Business, Insurance and Industrial Relations.

SB 1217—Governmental Accountability and

Fiscal Oversight.

SB 1218—Small Business, Insurance and Industrial Relations.

SB 1219—Aging, Families, Mental and Public Health.

SB 1220—Aging, Families, Mental and Public Health.

SB 1221—Judiciary and Civil and Criminal Jurisprudence.

SB 1222—Agriculture, Conservation, Parks and Natural Resources.

SB 1223—Ways and Means.

SB 1224—Aging, Families, Mental and Public Health.

SB 1225—Governmental Accountability and Fiscal Oversight.

SB 1226—Education.

SB 1227—Judiciary and Civil and Criminal Jurisprudence.

SB 1228—Pensions, Veterans' Affairs and General Laws.

SB 1229—Ways and Means.

SJR 40—Agriculture, Conservation, Parks and Natural Resources.

SJR 41—Judiciary and Civil and Criminal Jurisprudence.

SJR 42—Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 588, SB 557, SB 579, SB 563, SB 869, SB 619, SB 570, SB 753, SB 764, SB 782, SB 783 and SB 890**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 588, 557, 579, 563, 869, 619,

570, 753, 764, 782, 783 and 890, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 588, 557, 579, 563, 869,
619, 570, 753, 764, 782, 783 and 890

An Act to repeal sections 217.735, 556.061, 558.018, 559.106, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.151, 573.010, 575.195, 589.400, 589.402, 589.414, 589.425, 632.484, 632.489, and 632.495, RSMo, and to enact in lieu thereof twenty-six new sections relating to sexual offenders, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890** be adopted.

Senator Bartle offered **SS** for **SCS** for **SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 588, 557, 579, 563, 869,
619, 570, 753, 764, 782, 783 and 890

An Act to repeal sections 43.650, 217.735, 556.061, 558.018, 559.100, 559.106, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.151, 573.010, 575.195, 589.400, 589.402, 589.407, 589.414, 589.425, 632.480, 632.484, 632.489, 632.492, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof thirty-seven new sections relating to sexual offenders, with penalty provisions.

Senator Bartle moved that **SS** for **SCS** for **SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890** be adopted.

Senator Griesheimer assumed the Chair.

Senator Scott assumed the Chair.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 63, Section 632.507, Line 3 of said page by inserting after all of said line the following:

“650.120. 1. Subject to appropriation, the department of public safety shall create a program to distribute grants to multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies. The grants shall be awarded and used to pay the salaries of newly hired detectives and computer forensic personnel whose focus is investigating Internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, and to provide funding for the training of such personnel. Such funding for a training program may be used to cover the travel expenses of those persons participating in such program.

2. A panel is hereby established in the department of public safety to award grants under this program and shall be comprised of the following members:

(1) The director of the department of public safety, or his or her designee;

(2) An employee of the department of public safety who shall be appointed by the director;

(3) Two members shall be appointed by the director of public safety from a list of six nominees submitted by the Missouri Police Chiefs' Association;

(4) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Sheriffs' Association;

(5) One member of the house of

representatives who shall be appointed by the speaker of the house; and

(6) One member of the senate who shall be appointed by the president pro tem.

The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall serve a four-year term ending four years from the date of expiration of the term for which his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Such members shall hold office for the term of his or her appointment and until a successor is appointed. The members of the panel shall receive no additional compensation but shall be eligible for reimbursement for mileage directly related to the performance of panel duties.

3. Local matching amounts are required for multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies to receive grants awarded by the panel. Such amounts shall be determined by the state appropriations process or by the panel.

4. The panel may make recommendations to the general assembly regarding the need for additional resources or appropriations and conduct hearings to determine regional needs for funding the investigation of Internet sex crimes against children. The panel may establish multijurisdictional task force region boundaries.

5. When awarding grants, the panel should consider that all regions of the state, if established by the panel under subsection 4 of this section, would benefit from being served and computer forensics should be made available in each region if feasible.

6. If the panel establishes regional boundaries under subsection 4 of this section, the multijurisdictional task force that is

awarded a grant under this section shall be required to provide assistance to all areas within its designated region.

7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under section 650.120 shall sunset automatically six years after the effective date of section 650.120 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under section 650.120 shall sunset automatically twelve years after the effective date of the reauthorization of section 650.120; and

(3) Section 650.120 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under section 650.120 is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Bartle, SB 588, SB 557, SB 579, SB 563, SB 869, SB 619, SB 570, SB 753, SB 764, SB 782, SB 783 and SB 890, with SCS, SS for SCS and SA 1 (pending), were placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Crowell.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 2272, regarding Sarah Ann Davis, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2273, regarding Maura Donovan, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2274, regarding Stephanie Dusek, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2275, regarding Erika Halsey, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2276, regarding Ann Harman, Marthasville, which was adopted.

Senator Coleman offered Senate Resolution No. 2277, regarding Lauren Hartford, Affton, which was adopted.

Senator Coleman offered Senate Resolution No. 2278, regarding Danielle Hebel, Webster Groves, which was adopted.

Senator Coleman offered Senate Resolution No. 2279, regarding Kimberly Jung, Maryland Heights, which was adopted.

Senator Coleman offered Senate Resolution No. 2280, regarding Theresa Kaiser, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2281, regarding Laura Marie Kraus, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2282, regarding Kerry Kulich, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2283, regarding Suzanne Mullen, Crestwood, which was adopted.

Senator Coleman offered Senate Resolution No. 2284, regarding Julie Patterson, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2285, regarding Hillary Ellen Schulz, DeSoto, which was adopted.

Senator Coleman offered Senate Resolution No. 2286, regarding Hannah Schweiss, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2287, regarding Kristin Smith, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2288, regarding Krissy Tripp, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2289, regarding Amanda Vogt, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2290, regarding Katie Yarber, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2291, regarding Hayley L. Younkin, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2292, regarding GraceMarie Ritter, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2293, regarding Angela Francis, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2294, regarding Ashley Robinson, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2295, regarding Amanda Smith, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2296, regarding Rachel Bolinger, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2297, regarding Sydney Alexis Cross, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2298, regarding Lisa Kedro, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2299, regarding Samantha McGill, House Springs, which was adopted.

Senator Coleman offered Senate Resolution No. 2300, regarding Margaret L. Rahmoeller, Webster Groves, which was adopted.

Senator Coleman offered Senate Resolution No. 2301, regarding Amanda Marie Scott, Troy, which was adopted.

Senator Coleman offered Senate Resolution No. 2302, regarding Meghan Krato, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2303, regarding Shelby Pascoe, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 2304, regarding Emily Howard, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2305, regarding Heather E. James, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2306, regarding Melissa L. Kaufman, Maryland Heights, which was adopted.

Senator Coleman offered Senate Resolution No. 2307, regarding Emily Marie Mahon, Sunset Hills, which was adopted.

Senator Coleman offered Senate Resolution No. 2308, regarding Gretchen L. McCready, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2309, regarding Taylor Moline, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 2310, regarding Tricia Marie Rowlison, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2311, regarding Samantha Schmid, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2312, regarding Nancy DeClue, Crystal City, which was adopted.

Senator Coleman offered Senate Resolution No. 2313, regarding Kayla Burch, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2314, regarding Lauren Cronk, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2315, regarding Gwendolyn Gorse, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2316, regarding Christine Price, Ballwin, which was adopted.

Senator Callahan offered Senate Resolution No. 2317, regarding Jan Lonsbury, which was adopted.

Senator Coleman offered Senate Resolution No. 2318, regarding Heather L. Roehl, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 2319, regarding Tiffany Yang, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 2320, regarding Colleen McCarthy, Des Peres, which was adopted.

Senator Coleman offered Senate Resolution No. 2321, regarding Shannon Baldwin, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2322, regarding Lauren Manganelli, St. Charles, which was adopted.

SENATE BILLS FOR PERFECTION

SB 816, with SCS, was placed on the Informal Calendar.

SB 646, with SCS, was placed on the Informal Calendar.

SB 566, with **SCS**, was placed on the Informal Calendar.

SB 665 and **SB 757**, with **SCS**, were placed on the Informal Calendar.

SB 643 was placed on the Informal Calendar.

At the request of Senator Bartle, **SRB 848**, with **SCS**, was placed on the Informal Calendar.

Senator Koster moved that **SB 916**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 916**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 916

An Act to repeal sections 210.104, 210.106, 210.107, and 307.178, RSMo, and to enact in lieu thereof three new sections relating to child safety restraints, with penalty provisions.

Was taken up.

Senator Koster moved that **SCS** for **SB 916** be adopted.

Senator Koster offered **SS** for **SCS** for **SB 916**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 916

An Act to repeal sections 210.104, 210.106, 210.107, and 307.178, RSMo, and to enact in lieu thereof three new sections relating to child safety restraints, with penalty provisions.

Senator Koster moved that **SS** for **SCS** for **SB 916** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 916, Page 4, Section 307.178, Lines 6-8, by striking the opening and closing brackets that appear on said lines.

Senator Cauthorn moved that the above

amendment be adopted.

At the request of Senator Koster, **SB 916**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1230—Aging, Families, Mental and Public Health.

SB 1231—Pensions, Veterans' Affairs and General Laws.

SB 1232—Judiciary and Civil and Criminal Jurisprudence.

SB 1233—Financial and Governmental Organizations and Elections.

SB 1234—Education.

SB 1235—Economic Development, Tourism and Local Government.

SB 1236—Commerce, Energy and the Environment.

SB 1237—Judiciary and Civil and Criminal Jurisprudence.

SB 1238—Small Business, Insurance and Industrial Relations.

SB 1239—Pensions, Veterans' Affairs and General Laws.

SB 1240—Aging, Families, Mental and Public Health.

SB 1241—Aging, Families, Mental and Public Health.

SB 1242—Agriculture, Conservation, Parks and Natural Resources.

SB 1243—Financial and Governmental Organizations and Elections.

SB 1244—Pensions, Veterans' Affairs and General Laws.

SB 1245—Aging, Families, Mental and Public Health.

SB 1246—Small Business, Insurance and Industrial Relations.

SB 1247—Transportation.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 588, SB 557, SB 579, SB 563, SB 869, SB 619, SB 570, SB 753, SB 764, SB 782, SB 783 and SB 890**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Loudon, **SA 1** was withdrawn.

Senator Loudon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 63, Section 632.507, Line 3 of said page, by inserting after all of said line the following:

“650.120. 1. Subject to appropriation, the Missouri state highway patrol shall create a program to investigate Internet sex crimes against children, including but not limited to enticement of a child and possession or promotion of child pornography. The highway patrol shall designate members of the patrol to investigate such crimes against children and provide computer forensics on a full-time basis under this program. The highway patrol shall coordinate with any existing Internet Crimes Against Children task forces located in Missouri to investigate such crimes.

2. The highway patrol shall make computer forensics available to any multijurisdictional Internet cyber crime law enforcement task force

or law enforcement agency that requests such assistance.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 6, Section 351.609, Line 15, by striking the word “Private” and inserting in lieu thereof the following: **“Privacy”**; and

Further amend section 556.061, page 12, lines 10-11 by striking the words “ADD about kids being not able to consent”; and

Further amend section 566.213, page 28, line 19 by striking “3.” and inserting in lieu thereof the following: **“2.”**; and further renumber the remaining subsection accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 22, Section 566.030, Line 14, by adding at the end of said line the following:

“566.036. Any persons required to report under 210.115 RSMo who have prima facie evidence that an individual has been the victim of statutory rape shall report such crimes in the same manner as provided by section 210.115 RSMo.”; and

Further amend title and enacting clause accordingly.

Senator Bray moved that the above

amendment be adopted.

Senator Bray offered **SA 1** to **SA 4**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 1, Line 3, by inserting after the words “210.115 RSMo” the following: “and any crisis pregnancy worker”

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Coleman, Days and Kennedy.

SA 1 to **SA 4** failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Green
Wheeler	Wilson—6		

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dougherty	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer—26		

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—1

SA 4 was again taken up.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Coleman and Green.

Senator Bray offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 22, Section 566.030, Line 14 by adding at the end of said line the following:

“Section 1. Any persons required to report under 210.115 RSMo and any crisis pregnancy center worker who have prima facie evidence that a young woman has given birth and has been the victim of statutory rape shall report such crimes in the same manner as provided by section 210.115 RSMo”

and further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

At the request of Senator Bray, **SSA 1** for **SA 4** was withdrawn.

At the request of Senator Bray, **SA 4** was withdrawn.

Senator Bray offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 4, Section 188.023, Lines 15-16, by striking all of said lines and inserting in lieu thereof the following: “**188.023. Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783

and 890, Page 18, Section 558.018, Line 21, of said page, by inserting after all of said line the following:

“558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. (1) The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, “prison commitment” means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve [the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and

has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.] **a sentence as imposed by the judge of the sentencing court. However, the board of probation and parole shall have discretion to review the sentence of such an offender, and it may release the individual on probation or parole prior to the completion of the sentence imposed.**

(2) Those offenders sentenced under this section prior to August 28, 2006, shall have his or her sentence reviewed by the board of probation and parole. The board of probation and parole shall have discretion to release such an offender prior to completion of the sentence imposed in accordance with the former mandatory minimum sentencing requirements.

3. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for

crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term “minimum prison term” shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons [therefor sentences are comparable to] **for such disparities. The commission also shall examine whether these disparities are comparable in** other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall

compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

(a) The nature and severity of each offense;

(b) The record of prior offenses by the offender;

(c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(5) The commission shall publish and distribute its recommendations on or before July 1, 2004. The commission shall study the implementation and use of the recommendations until July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 2005, report, the commission shall revise the recommended sentences every two years.

(6) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of

the sentencing commission.

(7) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(8) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission

pursuant to section 50.565, RSMo. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

12. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 6** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Coleman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 26, Section 566.090, Line 24, of said page by inserting after all of said line the

following:

“566.140. 1. Any person who has pleaded guilty to or been found guilty of violating the provisions of this chapter and is granted a suspended imposition or execution of sentence or placed under the supervision of the board of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of such program.

2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation, following the probationer's plea of guilty to or a finding of guilt of violating any provision of this chapter or chapter 565, RSMo, may be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. Any person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling

services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof.

[3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider.]”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 9, Section 489.042, Line 17, of said page, by inserting after all of said line the following:

“544.025. 1. When a victim of a sexual offense initially makes a report of such offense to a law enforcement officer or a prosecuting or circuit attorney, such law enforcement officer or prosecuting or circuit attorney shall endeavor to inform the victim that he or she has a right to request a no contact order be issued against the alleged perpetrator of the sexual offense and how the victim can obtain such an order.

2. When a judge issues an arrest warrant for a person alleged to have committed a sexual offense, regardless of whether or not the warrant is based on a complaint, indictment, or information, such judge shall, if it has been requested by the victim or victims, also enter an

order at the same time stating that the defendant shall have no contact or communication of any kind, direct or indirect, with the alleged victim or victims. The order shall remain in effect until the criminal case is concluded. As used in this section “no contact or communication of any kind, direct or indirect” includes but is not limited to contact or communication in person, by writing, telephone, fax, e-mail, or any other type of electronic communication, and includes contact or communication through a third party or parties, except that the defendant may communicate through his or her attorney to the prosecuting or circuit attorney, or if the defendant does not have counsel, directly to the prosecuting or circuit attorney, any lawful request or legally necessary information which the prosecuting or circuit attorney may then relay to the victim, if appropriate.

3. The court shall revoke the bond of any defendant who knowingly violates the no contact or communication provisions of subsection 2 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, Page 9, Section 489.042, Line 17, of said page, by inserting after all of said line the following:

“547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in a criminal cause, except where the defendant is under sentence of death or imprisonment in the penitentiary for life, or a sentence of imprisonment for a violation of sections 195.222, RSMo,

565.021, RSMo, 565.050, RSMo, subsections 1 and 2 of section 566.030, 566.032, 566.040, 566.060, 566.062, **566.067**, 566.070, **566.083**, 566.100, **566.151**, **566.212**, **566.213**, **568.080**, **568.090**, **573.023**, **573.025**, **573.035**, **573.037**, RSMo, any court or officer authorized to order a stay of proceedings under the preceding provisions may allow a writ of habeas corpus, to bring up the defendant, and may thereupon let him to bail upon a recognizance, with sufficient sureties, to be approved by such court or judge.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SS for SCS for SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS for SCS for SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Promod Kumar to the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, submitted on February 28, 2006. Line 1 should be amended as follows:

“Promod Kumar, 830 Nykiel Court, Ballwin, Saint Louis County, Missouri”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Dixie J. Crider, 11319 Southwest Patton Road, Clarksdale,
DeKalb County, Missouri 64430, as a member of the Missouri
Planning Council on Developmental Disabilities, for a term ending
June 30, 2007, and until her successor is duly appointed and
qualified; vice, James Graham, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Deborah D.W. Curtis, 18105 Forest Briar Court, Wildwood,
Saint Louis County, Missouri 63021, as a member of the Child
Abuse and Neglect Review Board, for a term ending April 17, 2008,
and until her successor is duly appointed and qualified; vice, Ellen
Velie, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Daniel E. Devlin, Democrat, Rural Route 1, Box 80, Edina,
Knox County, Missouri 63537, as a member of the State Soil and
Water Districts Commission, for a term ending August 15, 2008,
and until his successor is duly appointed and qualified; vice,
Elizabeth Brown, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Vern Henderson, Republican, 8318 Orchard, Saint Louis,
Saint Louis County, Missouri 63132, as a member of the Linn State
Technical College Board of Regents, for a term ending December
29, 2011, and until his successor is duly appointed and qualified;
vice, Norma Stack, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Richard B. Jennett, M.D., 819 Harvest Drive, Jefferson City,
Cole County, Missouri 65109, as a member of the Missouri
Training and Employment Council, for a term ending August 28,
2007, and until his successor is duly appointed and qualified; vice,
Wayne Giles, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Raquel R. Martinez, 7017 East 83rd Street, Kansas City,
Jackson County, Missouri 64138, as a member of the Missouri
Board of Occupational Therapy, for a term ending December 11,
2007, and until her successor is duly appointed and qualified; vice,
Erin Hampton, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

John Riffle, Democrat, 22010 Riffle Road, Pleasant Hill, Cass
County, Missouri 64080, as a member of the Land Reclamation
Commission, for a term ending September 28, 2007, and until his
successor is duly appointed and qualified; vice, Hugh Jenkins, term
expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia,
Boone County, Missouri 65203, as a member of the Missouri
Community Service Commission, for a term ending December 12,
2007, and until her successor is duly appointed and qualified; vice,
reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Charles L. Barry, Republican, 337 Northeast 51,
Warrensburg, Johnson County, Missouri 64093, as a member of the
Missouri Veterinary Medical Board, for a term ending August 29,
2008, and until his successor is duly appointed and qualified; vice,
Stephen Goff, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above
addendum and appointments to the Committee on
Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from
the House of Representatives through its Chief
Clerk:

Mr. President: I am instructed by the House of
Representatives to inform the Senate that the
House has taken up and passed **HB 1118**, entitled:

An Act to repeal section 44.045 as enacted by
conference committee substitute for senate
substitute for senate committee substitute for house
committee substitute for house bill no. 58, ninety-
third general assembly, first regular session and
section 44.045 as enacted by conference committee
substitute for house committee substitute for senate
committee substitute for senate bills nos. 420 &
344, ninety-third general assembly, first regular
session, and to enact in lieu thereof one new
section relating to civil defense.

In which the concurrence of the Senate is
respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of
Representatives to inform the Senate that the
House has taken up and passed **HB 983**, entitled:

An Act to amend chapter 9, RSMo, by adding
thereto one new section relating to display of flags
on September eleventh.

In which the concurrence of the Senate is
respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of
Representatives to inform the Senate that the
House refuses to adopt **SCS** for **HCS** for **HB 1014**
and requests the Senate to recede from its position

and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Gross moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1014**, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1014**: Senators Gross, Nodler, Champion, Dougherty and Green.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2323, regarding Andrew Joseph McDermott, Osage Beach, which was adopted.

Senator Gross offered Senate Resolution No. 2324, regarding Nathan B. Smith, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 2325, regarding David Michael Haas, St. Peters, which was adopted.

Senator Green offered Senate Resolution No. 2326, regarding Brandon Charles Hackl, Florissant, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mayer introduced to the Senate, his wife, Nancy, Dexter; and Chris Innes and Karmen Foster, Poplar Bluff.

Senator Nodler introduced to the Senate, James Sigler, Joplin.

Senator Cauthorn introduced to the Senate, sixty eighth and tenth grade students from Scotland County R-1 School, Memphis.

Senator Stouffer introduced to the Senate, Deb

Foreman, Marshall; and Kathy Crawford, Houstonia.

Senator Gross introduced to the Senate, Head Coach Hannibal Najjar and Manager Mike Warman and members of the St. Charles Christian High School Soccer Team, 2005 Missouri Christian School Athletic Association State Champions, O'Fallon.

Senator Shields introduced to the Senate, his wife, Brenda, St. Joseph.

Senator Cauthorn introduced to the Senate, Mika Bush, Donnetta Wheeler and Stephanie Maddox, Paris R-II School District.

On behalf of Senator Alter and himself, Senator Kennedy introduced to the Senate, John Scullin, Dale Kinnard and Jamie Guinn, High Ridge.

Senator Goodman introduced to the Senate, Amanda Bradshaw and Barb Hensiek, Mt. Vernon.

Senator Loudon introduced to the Senate, Brian McGinnis and his daughter, Mary Carol McGinnis, Manchester; and Mary Carol was made an honorary page.

Senator Purgason introduced to the Senate, Jim McGee, Treba Neuschwander, Jim Berkshire, Lisa Barrett, Alonzo Tillery and Robert Pace, members of South Howell County Ambulance.

Senator Purgason introduced to the Senate, LaMoine Hamilton, Rosanne Pokorny and Sherry Gatlin, Houston.

Senator Bray introduced to the Senate, Jennifer Wood and Kelley Moffatt, St. Louis.

Senator Cauthorn introduced to the Senate, Missy Barrie, Whitney Locke, Jan Golian and Kurt Haner, Hannibal.

Senator Loudon introduced to the Senate, Kenna Valentine and sixty fourth grade students from Garrett Elementary School, Hazelwood.

Senator Scott introduced to the Senate, David and Kristen O'Neal, Wheatland.

Senator Green introduced to the Senate, Sister Gail Guelker and Sister Gen Cassani, St. Louis.

Senator Gibbons introduced to the Senate, Joanne Breckenridge, Lucy Obukowicz, Lindsey McElyea, Kelly Kosewicz, Kristen Holt, Chelsea Husemann, Beth Trower, Kristen O'Neal, Blair Chism, Lindsey Anne Short, Esther Wetzel and members of the Missouri Federation of Republican Women.

Senator Goodman introduced to the Senate, Mrs. Gaye Taylor, Shell Knob.

Senator Griesheimer introduced to the Senate, members of the Washington Republican Women's Club, Washington; and Taylor and Kevin Juergens, Kirstie Carr, Connie Jones, Brianna Larson, Ashley DeBouef, Rachel Hellmann, Trisha Huxel, Brittany Branch, Tori Gildehaus and Alex Piontek were made honorary pages.

Senator Koster introduced to the Senate, Violet Corbett, Johnson County.

Senator Gross introduced to the Senate, Dan and Marilyn Huesemann and Ruth Bruns, St. Charles.

Senator Days introduced to the Senate, Doug Brown, St. Louis.

Senator Cauthorn introduced to the Senate, Rose Harken, Marlene Speas, Jillian Pointer, Mona Davis, Debi Boughton, Kimberly Blackman, Sara Holzmeier, Christie Wait, Carol Lockhart, Rhonda Smith, Tim King, Erick Hanson, Randy Behrens and Dan Magruder, Kirksville.

Senator Griesheimer introduced to the Senate, members of the Republican Women's Club of Union; and Jordon Schrier, Faith Joyce, Andrew West, Brandon Barkey, Josh Elliott, Randi Bub, Sami Pigg, Sabreena Bub, Kaitlyn Delmain, Jesse Groom, Thomas Wingfield, Sara Heitzman and Jennifer Smith were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 8, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Crowell, et al
SB 1249-Alter
SB 1250-Alter
SB 1251-Shields
SB 1252-Scott

SB 1253-Mayer
SB 1254-Shields, et al
SB 1255-Dougherty
SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HJR 36
HJR 28-Jackson

HB 1169-Cooper (120)
HB 1157-Cooper (120), et al

HB 1249-Spreng, et al
 HB 1688-Johnson (47), et al
 HB 1393-Behnen, et al
 HB 1234-Loehner, et al

HB 1105-Wilson (119), et al
 HB 1228-Ruestman, et al
 HB 1118-Dempsey, et al
 HB 983-Meadows, et al

SENATE BILLS FOR PERFECTION

- | | |
|--|--------------------------------------|
| 1. SB 938-Stouffer | 7. SB 825-Koster, et al, with SCS |
| 2. SB 953-Engler, et al, with SCS | 8. SB 616-Stouffer, with SCS |
| 3. SBs 613, 1030 & 899-Engler and Crowell,
with SCS | 9. SB 589-Bartle |
| 4. SBs 1031 & 846-Klindt, with SCS | 10. SB 637-Cauthorn, et al, with SCS |
| 5. SB 718-Crowell and Mayer, with SCS | 11. SB 901-Shields |
| 6. SB 822-Gross | 12. SB 635-Cauthorn |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 820-Koster, with SCS
SB 596-Days	SB 832-Griesheimer, with SCS
SB 643-Scott	SRB 848-Bartle, with SCS
SB 644-Shields	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 646-Griesheimer, with SCS	SB 916-Koster, et al, with SCS, SS for SCS & SA 1 (pending)
SBs 665 & 757-Engler, with SCS	SBs 1014 & 730-Scott and Gibbons, with SCS
SB 689-Scott	SJR 26-Ridgeway and Graham
SB 690-Champion, with SCS	
SB 780-Klindt	
SB 816-Griesheimer and Coleman, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS
 SB 830-Ridgeway, et al, with SCS

SB 871-Coleman

Reported 2/23

SB 965-Bartle
SB 806-Gross, with SCS
SB 964-Crowell
SB 990-Vogel

SBs 667, 704, 941, 956 & 987-Engler,
with SCS
SB 779-Engler
SB 735-Crowell

Reported 3/2

SB 1020-Vogel
SB 582-Griesheimer
SB 951-Cauthorn
SB 974-Shields

SB 1008-Klindt, with SCS
SB 834-Nodler
SB 947-Shields
SB 981-Goodman, et al

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1014-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 8, 2006

The Senate met pursuant to adjournment.

Senator Goodman in the Chair.

Reverend Carl Gauck offered the following prayer:

"Devote yourselves to prayer, keeping alert in it with thanksgiving." (Colossians 4:2)

Dear Lord, we have arrived at the midway point of this week. Sometimes looking at the calendar we are mindful of all that must yet be dealt with and we can become discouraged. Help us to keep things in perspective and be thankful for what we have accomplished and know that You will guide us and help us to get what is truly important completed if we remain faithful and we will have yet more reasons to give You thanks. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter Barnitz Bartle Bray

Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2327, regarding the Institute for Family Medicine, Saint Louis, which was adopted.

Senator Shields offered Senate Resolution No. 2328, regarding Brett James Main, which was adopted.

Senator Shields offered Senate Resolution No. 2329, regarding Aaron Scott McRuer, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 2330, regarding Alexander Steven Ortega, Platte

City, which was adopted.

Senator Shields offered Senate Resolution No. 2331, regarding Blaine Evan Steck, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2332, regarding Kory Roth, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2333, regarding J. Cameron Jones, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2334, regarding Noah Brandt Eber, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2335, regarding John A. Clizer, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 2336, regarding Trevor Don Roth, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2337, regarding Kyle A. Spangler, Kansas City, which was adopted.

Senator Alter offered Senate Resolution No. 2338, regarding Judy Ann Davis, Dittmer, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 816**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 816**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 816

An Act to amend chapter 67, RSMo, by adding thereto six new sections relating to the fair competition in video act.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 816** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 816**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 816

An Act to amend chapter 67, RSMo, by adding thereto five new sections relating to the fair competition in video act.

Senator Griesheimer moved that **SS** for **SCS** for **SB 816** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 816, Page 1, In the Title, Line 3, by inserting immediately after the word “act” the following: “, with an emergency clause”; and

Further amend said bill, page 12, section 67.2683, line 8 of said page, by inserting immediately after said line the following:

“92.086. 1. On or before January 1, 2006, the director shall publish a list of the municipalities which have, prior to August 28, 2005, enacted ordinances imposing a business license tax on a telecommunications company. The list shall contain:

(1) The name of the municipality imposing the tax;

(2) The name of the tax as denoted by the municipality;

(3) The citation to the municipal code provisions imposing the tax; and

(4) The percentage of gross receipts.

The director shall not be required to include any figures for the percentage of gross receipts if the municipality in question at the time of August 28, 2005, had an ordinance which imposed a flat fee instead of a fee based on gross receipts as its business license tax. In compiling the list, the

director shall collect information from telecommunications companies, municipalities, municipal codes, and other reliable sources.

2. (1) On or before February 1, 2006, all telecommunications companies in Missouri shall provide the director and the state auditor with the amount of municipal business license tax which they paid each Missouri municipality identified by the director in accordance with subsection 1 of this section for the previous four quarters. On or before February 1, 2006, all telecommunications companies in Missouri shall provide the director and the state auditor with an itemized list establishing their gross receipts for the previous four quarters for each category of gross receipts in each municipality identified by the director in accordance with subsection 1 of this section upon which a sales tax is paid.

(2) On or before February 1, 2006, each municipality shall provide the director and state auditor with the total amount of tax revenue collected for the previous fiscal year of taxable gross receipts from telecommunications companies. Any inconsistency or dispute arising from the information provided by the municipalities and telecommunications companies shall be resolved through an audit performed by the state auditor.

3. Beginning on July 1, 2006, the director shall henceforth collect, administer, and distribute telecommunications business license tax revenues in accordance with the provisions of sections 92.074 to 92.095.

4. Notwithstanding the provisions of any municipal business license tax ordinance, effective July 1, 2006, all business license taxes shall be based solely and exclusively on those gross receipts of telecommunications companies for the retail sale of telecommunications services which are subject to taxation under sections 144.010 and 144.020, RSMo. Any provisions in any municipal taxing ordinances which provide different definitions, rules, or provisions are expressly

preempted and are null and void.

5. The director is authorized to promulgate regulations to establish the appropriate procedures for collecting, administering, and distributing such taxes. A telecommunications company shall file a quarterly return with the director with an attached schedule setting forth the total amount of taxable gross receipts for the quarter and the amount of business license tax due to each municipality. The director shall distribute the appropriate amounts, as set forth in this section, to the municipalities. In exchange for its collection, administration, and distribution functions, the department of revenue shall retain a collection fee of up to one percent (not to exceed the actual costs incurred) on all funds collected and distributed and shall be allowed to collect the interest off such funds during the time between collection and distribution. In no event shall the director fail to distribute the collected funds to a municipality more than thirty days after the collection of the funds.

6. It is the intent of the general assembly that sections 92.074 to 92.095 comply with article X, section 22 of the Missouri Constitution, so that the application of sections 92.074 to 92.095 shall have a revenue-neutral effect. Because business license taxes shall now be based on the gross receipts subject to the sales tax, it is anticipated that the base of the existing business license taxes in most cases shall be broadened, so in order to comply with article X, section 22 of the Missouri Constitution, the municipality shall adjust the gross receipts percentage rate identified by the director in accordance with subsection 2 of this section so that the amount collectible, in total from all telecommunications companies, excluding the collection fee authorized in subsection 5 as defined herein, before and immediately after enactment remains the same in each municipality. If the determination is made by a municipality that in order to comply with article X, section 22 of the Missouri Constitution the gross receipts percentage rate must be increased, such increase shall be

passed by a majority vote of the qualified voters voting in that municipality. The existing tax base shall be an amount equal to the total amount of telecommunications business license taxes collected by a municipality for fiscal year 2005, increased by fifty percent of [the difference between such amount and] the business license tax receipts that would have been yielded by applying the gross receipts percentage rate identified in accordance with subsection 1 of this section to the total gross receipts for all wireless telecommunications services provided by telecommunications companies as identified in 47 U.S.C. Section 332(D)(1) and 47 C.F.R. Parts 22 or 24 in such fiscal year attributable to the municipality. Based upon the rate information received from the director under this section, each municipality shall, no later than April 1, 2006, promulgate and publish the revenue-neutral rates to be applied in each municipality. Such tax rates shall be the applicable business license tax rate for bills rendered on or after July 1, 2006. Any percentages in any ordinance that are contrary to that established by the municipality herein are null and void. If any municipal business license tax ordinance as of January 1, 2005, had a provision stating that the tax only applied to business customers, the new calculated rate under this section also shall be determined based only on business customers and shall apply only to business customers.

7. On or before April 1, 2007, the director, in consultation with the state auditor and municipalities, shall examine revenues collected and forecast whether a shortfall or excess in municipal revenues for each municipality is likely to occur for the fiscal year ending June 30, 2007, due to data reporting errors or other errors in the calculation of the revenue-neutral tax rate. Section 32.057, RSMo, shall not restrict the disclosure of information to perform such consultation. If a shortfall or excess is expected, the director, after review and comment from municipalities and telecommunications companies, shall promulgate

and publish an adjustment in the rate in such municipalities. Such tax rate adjustment, if necessary, shall apply to bills issued after July 1, 2007.

8. The director shall be notified in writing within thirty days of any change in the municipal business license tax rate adopted by a municipality. The director shall promulgate such rate changes, but such rate changes may only take effect on the first day of a calendar quarter and only after a minimum of ninety days notice from the director to a telecommunications company. Any subsequent increase in the business license tax rate passed through an ordinance by a municipality which is above that rate as established by the municipality under subsection 6 of this section shall be passed by a majority vote of the qualified voters voting in that municipality. No municipal tax rate shall exceed the cap provided in subsection 9 of this section.

9. Notwithstanding the provisions of subsections 3 to 8 of this section or any other provision of law to the contrary, for any municipality not subject to the provisions of subsection 10 of this section, the maximum rate of taxation on gross receipts shall not exceed five percent for bills rendered on or after July 1, 2006, except if the business license tax rate for any municipality, as calculated in subsection 6 of this section, or if necessary, subsection 7 of this section, is determined to be greater than five percent, then, notwithstanding the provisions of such subsections, the business license tax rates for such municipality on and after July 1, 2006, shall be as follows:

(1) For bills rendered between July 1, 2006, and June 30, 2008, the rate shall be the actual adjusted rate as determined by subsection 6 of this section, or, if necessary, subsection 7 of this section;

(2) For bills rendered between July 1, 2008, and June 30, 2010, the rate shall be half the sum of the rate determined in subdivision (1) of this

subsection and five percent; and

(3) For all bills rendered on and after July 1, 2010, five percent.

10. (1) Any municipality which prior to November 4, 1980, had an ordinance imposing a business license tax on telecommunications companies which specifically included the words “wireless”, “cell phones”, or “mobile phones” in its business license tax ordinance as revenues upon which a business license tax could be imposed, and had not limited its tax to local exchange telephone service or landlines, and had taken affirmative action to collect such tax from wireless telecommunications providers prior to January 15, 2005, shall not be required to adjust its business license tax rate as provided in subsection 6 of this section and shall not be subject to the provisions of subsection 9 of this section.

(2) Any municipality which has an ordinance or an amendment to an ordinance imposing a business license tax on telecommunications companies which was authorized or amended by a public vote subsequent to November 4, 1980, and such authorization specifically included the terms “wireless”, “cell phones”, or “mobile telephones” as revenues upon which a business license tax could be imposed, and had not limited its tax to local exchange telephone service or landlines, and had taken affirmative action to collect such tax from wireless telecommunications providers prior to January 15, 2005, shall not be required to adjust its business license tax rate as provided in subsection 6 of this section and shall not be subject to the provisions of subsection 9 of this section.

11. For purposes of sections 92.074 to 92.095, the director and any municipality shall have the authority to audit any telecommunications company. Notwithstanding the provisions of section 32.057, RSMo, the director of revenue shall furnish any municipality with information it requests to permit the municipality to review and audit the payments of any telecommunications company.

12. The statute of limitations shall be three years for the alleged nonpayment or underpayment of the business license tax.

13. Any telecommunications company is authorized to pass through to its retail customers all or part of the business license tax.

14. The provisions of subsection 5 of section 144.190, RSMo, and subdivision (3) of subsection 12 of section 32.087, RSMo, shall apply to the tax imposed under sections 92.074 to 92.095.

15. Unless specifically stated otherwise in sections 92.074 to 92.095, taxpayer remedies, enforcement mechanisms, tax refunds, tax protests, assessments, and all other procedures shall be the same as those provided in chapter 144, RSMo.

16. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

Section B. Because of the need to ensure the proper taxation of telecommunications services, the repeal and reenactment of section 92.086 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 92.086 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Purgason offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 816, Page 11, Section 67.2683, Line 24, by inserting immediately after all of said line the following:

“10. A competitive video service provider shall be prohibited from airing the movie “Brokeback Mountain”.”; and

further renumber the remaining subsection accordingly.

Senator Purgason moved that the above amendment be adopted.

President Kinder assumed the Chair.

At the request of Senator Purgason, **SA 2** was withdrawn.

At the request of Senator Griesheimer, **SB 816**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 1014**: Representatives: Icet, Robb, Sater, Shoemyer and Donnelly.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee

on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 2339, regarding Mr. and Mrs. Chad Higdon, which was adopted.

Senator Champion offered Senate Resolution No. 2340, regarding Phyllis A. Frick, Springfield, which was adopted.

Senator Purgason offered Senate Resolution No. 2341, regarding Leanna Baumer, Hartville, which was adopted.

Senator Crowell offered Senate Resolution No. 2342, regarding Central High School, Cape Girardeau, which was adopted.

Senator Purgason offered Senate Resolution No. 2343, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Keith Mizer, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2344, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clyde Gargus, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2345, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Winfred Case, Myrtle, which was adopted.

Senator Coleman offered Senate Resolution No. 2346, regarding Kim D. Shinuald, II, O'Fallon, which was adopted.

Senator Coleman offered Senate Resolution No. 2347, regarding Hannah Marie Ball, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2348, regarding Ana Bradley, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2349, regarding Nicole M. Gambill, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2350, regarding Danna Christina Lynch, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 2351, regarding Kristen Howell, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2352, regarding Jackie Manetzke, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2353, regarding Brittney L. Martin, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2354, regarding Laura Elizabeth Pickel, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2355, regarding Lydia Marie Wills, Bonne Terre, which was adopted.

Senator Coleman offered Senate Resolution No. 2356, regarding Ambria McIntosh, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2357, regarding Michelle Landers, Weldon Spring, which was adopted.

Senator Coleman offered Senate Resolution No. 2358, regarding Jessica M. Taubel, Washington, which was adopted.

Senator Coleman offered Senate Resolution No. 2359, regarding Laura Fienup, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 2360, regarding Madeline Jean Fienup, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 2361, regarding Jessica Kostecki, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2362, regarding Amy Baumann, High Ridge, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 644** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 644, Page 8, Section 163.031, Line 230, by inserting after all of said line the following:

"163.087. 1. **Except as provided in subsection 4 of this section**, money in the school district trust fund shall be distributed to each school district in the state in the same ratio that the weighted average daily attendance in the district bears to the total weighted average daily attendance in all such school districts for the preceding year[, except as otherwise provided in section 163.031].

2. In addition, each such district which is providing an approved program for pupils residing on federal lands shall receive an amount which shall be determined as follows: weighted average daily attendance **or eligible pupils, whichever is applicable for the specified year**, for [pupils] **students** residing on federal lands shall be calculated separately for the district in the manner provided in section 163.011, treating such [pupils] **students** as residents of the district for this

purpose. Such weighted average daily attendance **or eligible pupils, whichever is applicable for the specified year**, shall be multiplied by one-half of the amount to be received by the district, pursuant to this subsection, per weighted average daily attendance **or eligible pupils, whichever is applicable for the specified year**, not residing on federal lands.

[2.] **3.** Money in the fund shall be distributed monthly. The state board of education shall certify the amounts to be distributed to the several school districts to the commissioner of administration who shall issue the warrants therefor.

[3.] **4.** Money received by a school district from the school district trust fund shall be deemed to be local tax revenue derived for the same fiscal year in which the money is received for the teachers' and incidental funds. In the calculation of state aid for the district under the provisions of section 163.031, one-half the amount received by the district in the [first preceding] **2004-2005** year shall be included in local effort as provided in [section 163.031] **subsection 10 of section 163.011.**

5. (1) For purposes of this subsection only, the term "eligible pupils" shall mean the sum of the average daily attendance, as such term is defined in section 163.011, of the school term plus the product of two times the average daily attendance for summer school;

(2) In the 2006-07 school year and each school year thereafter for five years, moneys in the school district trust fund shall be distributed to each school district in the state in the following manner:

(a) For the 2006-07 school year, fifteen percent of the school district trust fund shall be distributed in the manner proscribed in subsection 1 of this section, and eighty-five percent of the school district trust fund shall be distributed to each school district in the state in the same ratio that the number of eligible pupils

in the district bore to the total number of eligible pupils in all such school districts in the 2005-2006 school year;

(b) For the 2007-08 school year, thirty percent of the school district trust fund shall be distributed in the manner proscribed in subsection 1 of this section, and seventy percent of the school district trust fund shall be distributed to each school district in the state in the same ratio that the number of eligible pupils in the district bore to the total number of eligible pupils in all such school districts in the 2005-2006 school year;

(c) For the 2008-09 school year, forty-four percent of the school district trust fund shall be distributed in the manner proscribed in subsection 1 of this section, and fifty-six percent of the school district trust fund shall be distributed to each school district in the state in the same ratio that the number of eligible pupils in the district bore to the total number of eligible pupils in all such school districts in the 2005-2006 school year;

(d) For the 2009-10 school year, fifty-eight percent of the school district trust fund shall be distributed in the manner proscribed in subsection 1 of this section, and forty-two percent of the school district trust fund shall be distributed to each school district in the state in the same ratio that the number of eligible pupils in the district bore to the total number of eligible pupils in all such school districts in the 2005-2006 school year;

(e) For the 2010-11 school year, seventy-two percent of the school district trust fund shall be distributed in the manner proscribed in subsection 1 of this section, and twenty-eight percent of the school district trust fund shall be distributed to each school district in the state in the same ratio that the number of eligible pupils in the district bore to the total number of eligible pupils in all such school districts in the 2005-2006 school year;

(f) For the 2011-12 school year, eighty-six percent of the school district trust fund shall be distributed in the manner proscribed in subsection 1 of this section, and fourteen percent of the school district trust fund shall be distributed to each school district in the state in the same ratio that the number of eligible pupils in the district bore to the total number of eligible pupils in all such school districts in the 2005-2006 school year.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Mayer assumed the Chair.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Coleman, Crowell, Days and Kennedy.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Gibbons	Graham
Gross	Kennedy	Ridgeway—7	

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dougherty	Engler	Goodman	Green
Klindt	Koster	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—23	

Absent—Senators

Barnitz	Griesheimer	Loudon—3
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Absent with leave—Senators—None

Vacancies—1

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 644, Page 1, Section A,

Line 5 of said page by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District’s tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States

Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the

number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the

bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines **or less any decrease in the amount received for school purposes from fines.**

If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

"Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes

levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five

percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance

shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend said bill, section 163.031, page 2, line 41 of said page, by inserting after all of said line the following:

“(e) For districts meeting the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.”; and

Further amend said bill and section, page 3, line 68 of said page, by inserting after all of said line the following:

“(e) For districts meeting the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 644, Page 8, Section 163.031, Line 230, by inserting after all of said line the following:

“167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, **and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty.** If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in

substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

☐ YES

☐ NO

(If you are in favor of the proposition (or question), place an X in the box opposite “YES”. If you are opposed to the proposition (or question), place an X in the box opposite “NO”.)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the transportation and the time or times and method of payment.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Shields, **SB 644**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1427**, entitled:

An Act to repeal section 351.488, RSMo, and to enact in lieu thereof one new section relating to reinstatement of dissolved corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1035**, entitled:

An Act to repeal section 301.143, RSMo, and to enact in lieu thereof one new section relating to disabled parking signs, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1138**, entitled:

An Act to repeal sections 86.1110, 86.1140, 86.1490, and 86.1500, RSMo, and to enact in lieu thereof four new sections relating to police military leave.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS for HB 978**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto four new sections relating to the Vietnam War medallion program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1344**, entitled:

An Act to repeal section 87.260, RSMo, and to enact in lieu thereof one new section relating to the firefighter's retirement and relief system, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1251**, entitled:

An Act to repeal section 172.287, RSMo, and to enact in lieu thereof one new section relating to equipment grants for engineering programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1168**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to impaired pharmacists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1204**, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to duties of jailers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HCS for HJR 36—Ways and Means.

HJR 28—Ways and Means.

HB 1169—Judiciary and Civil and Criminal Jurisprudence.

HB 1157—Agriculture, Conservation, Parks and Natural Resources.

HB 1249—Ways and Means.

HB 1688—Ways and Means.

HB 1393—Financial and Governmental Organizations and Elections.

HB 1234—Education.

HB 1105—Transportation.

HB 1228—Financial and Governmental Organizations and Elections.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783** and **890** to the Committee on Governmental Accountability and Fiscal

Oversight.

COMMUNICATIONS

Senator Klindt submitted the following:

March 8, 2006

Honorable Terry Spieler

Secretary of the Senate

Room 325, State Capitol

Jefferson City, MO 65101

Madam Secretary:

Please remove Senate Bill 582 from the Consent Calendar.

Thank you.

Sincerely,

/s/ David G. Klindt

David G. Klindt

State Senator - District 12

Also,

March 8, 2006

Mrs. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Senate Appointment to the Advisory Committee on Lead Poisoning

Dear Terry:

Pursuant to Section 701.302, RSMo, I am reappointing Senator Patrick Dougherty to the Advisory Committee on Lead Poisoning.

If you have any questions, do not hesitate to contact me.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Justin Gill and Traci Henson, Aurora.

Senator Barnitz introduced to the Senate, Linda Kenzee and Elizabeth Bax, Rolla.

Senator Wheeler introduced to the Senate, members of St. Elizabeth 150 Webelos Boy Scouts, Kenner Bowers, David Beck, Joey Fama, Daniel Craig, Lorenzo Gatapia, Jacob King, Stephen Hart, Thomas Leis, Alex McDonald, Jamie Krzyzanowski, John Pfaff, Richard Sowders,

McKale Wiley and Max Unwin, Kansas City; and the boys were made honorary pages.

Senator Griesheimer introduced to the Senate, Ellen Kluesner, Washington.

Senator Barnitz introduced to the Senate, Kay Johnson, Alana Jacobson, Chris Sipes, Cecelia Jarrett and Jonathan Vaughan, Crocker.

Senator Gross introduced to the Senate, the Physician of the Day, Dr. David Poggemeier, M.D., his father, Dr. William Poggemeier and his daughter, Elise, St. Charles.

Senator Kennedy introduced to the Senate, Dr. James Peterson, M.D., New Melle; Dr. Robert McMahon and Michael Ladevich, St. Louis.

Senator Bray introduced to the Senate, Tom Noble and forty-five fourth grade students from Briar Crest Elementary School, St. Ann.

Senator Scott introduced to the Senate, Principal Mrs. Becky Gallagher, Mrs. Tara Carter, Mrs. Carolyn Harms, Mrs. Bonnie Swisher and students from Windsor Elementary School; and Samantha Neuman, Drew Beeman, Katie Eggers,

Shelby Williams and Lauren Hadley were made honorary pages.

Senator Barnitz introduced to the Senate, Ernestine Mueller, Hermann.

Senator Scott introduced to the Senate, Donna Stelling and Marlene Bredehoeft, Cole Camp.

Senator Gibbons introduced to the Senate, John and Stephanie Robert and their daughter, Samantha, Glenn and Lisa Ross and their daughter, Abby, Pat Fox and her children, Mikaela and Branson, Buffy Johnson and her son, Jordan, Alice Johnson, Tricia Kidd and Lois Jacobs, Valley Park; and Samantha, Abby, Mikaela, Jordan and Branson were made honorary pages.

On behalf of Senator Champion and himself, Senator Clemens introduced to the Senate, Christi Gonder, Lexington; Ashley and Brittany Gillig, Aurora; Marc Allison, South Greenfield and Anson Elliott, Springfield.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY—THURSDAY, MARCH 9, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Crowell, et al
SB 1249-Alter
SB 1250-Alter
SB 1251-Shields
SB 1252-Scott

SB 1253-Mayer
SB 1254-Shields, et al
SB 1255-Dougherty
SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al	HCS for HB 978
HB 983-Meadows, et al	HCS for HB 1344
HB 1427-Johnson (90), et al	HB 1251-Guest, et al
HB 1035-Young (49), et al	HCS for HB 1168
HCS for HB 1138	HB 1204-Roorda, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 588, 557, 579,
563, 869, 619, 570, 753, 764, 782,
783 & 890-Bartle (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 938-Stouffer | 7. SB 825-Koster, et al, with SCS |
| 2. SB 953-Engler, et al, with SCS | 8. SB 616-Stouffer, with SCS |
| 3. SBs 613, 1030 & 899-Engler and
Crowell, with SCS | 9. SB 589-Bartle |
| 4. SBs 1031 & 846-Klindt, with SCS | 10. SB 637-Cauthorn, et al,
with SCS |
| 5. SB 718-Crowell and Mayer, with SCS | 11. SB 901-Shields |
| 6. SB 822-Gross | 12. SB 635-Cauthorn |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 820-Koster, with SCS
SB 596-Days	SB 832-Griesheimer, with SCS
SB 643-Scott	SRB 848-Bartle, with SCS
SB 646-Griesheimer, with SCS	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SBs 665 & 757-Engler, with SCS	SB 916-Koster, et al, with SCS, SS for SCS & SA 1 (pending)
SB 689-Scott	SBs 1014 & 730-Scott and Gibbons, with SCS
SB 690-Champion, with SCS	SJR 26-Ridgeway and Graham
SB 780-Klindt	
SB 816-Griesheimer and Coleman, with SCS & SS for SCS (pending)	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

SB 871-Coleman

SB 830-Ridgeway, et al, with SCS

Reported 2/23

SB 965-Bartle

SB 806-Gross, with SCS

SB 964-Crowell

SB 990-Vogel

SBs 667, 704, 941, 956 & 987-Engler,
with SCS

SB 779-Engler

SB 735-Crowell

Reported 3/2

SB 1020-Vogel

SB 951-Cauthorn

SB 974-Shields

SB 1008-Klindt, with SCS

SB 834-Nodler

SB 947-Shields

SB 981-Goodman, et al

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1014-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SEVENTH DAY—THURSDAY, MARCH 9, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Creator Redeeming God, Your love drove You to redeem this world and so You do not willingly forsake Your children; Your mind for us is set to heal and hold and help us live victoriously and purposefully each day. So we pray that You might be loving, saving, giving and forgiving and provide us with whatever else is needed and help us be instruments of Your love and caring to those we meet this day as we finish up our work for this week and return to those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senators Purgason, Ridgeway, Clemens, Engler, Goodman, Barnitz and Stouffer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, Missouri's long-standing agriculture tradition continues to thrive and contribute to our economy and to our families; and

WHEREAS, the state of Missouri has maintained a robust and lucrative agriculture culture, frequently ranking in the top ten among states with regard to the number of operating farms, hay, cotton, and corn production, cattle, hog and turkey production, and more; and

WHEREAS, the economic benefits from these agricultural operations are profoundly important to our communities, to our

state, and to our nation; and

WHEREAS the farm family is the backbone of our state, as we, a legislative body, do swear to uphold and promote our farming community and protect the freedoms we share; and

WHEREAS, with the introduction of the Missouri Animal ID Program, a coordinated effort between the Missouri Department of Agriculture and the United States Department of Agriculture (USDA), the issues of food security and personal freedom became a reality for Missouri agriculture producers; and

WHEREAS, the USDA National Animal Identification System (NAIS) is currently and should remain a voluntary program with regard to animal identification programs and marketing practices:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Department of Agriculture to continue the National Animal Identification System program as a voluntary program to allow agricultural families to direct their own future; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Department of Agriculture and the Missouri Department of Agriculture.

Senator Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, the current Federal Defense Budget does not include an allocation for the United States Air Force C-17 Globemaster III military transport plane program at Boeing St. Louis; and

WHEREAS, in 2002, Boeing dedicated a new St. Louis C-17 manufacturing facility that allowed Boeing to consolidate its major St. Louis C-17 assembly work into one facility; and

WHEREAS, today, 20 percent of all C-17 planes are manufactured at Boeing St. Louis; and

WHEREAS, the Boeing St. Louis team, the largest supplier for the C-17, produces the airlifter's cargo ramp and door, cockpit, including the flight deck, main landing gear pods, and pylons. In addition, 10,000 detail parts for the C-17 are fabricated at Boeing's strategic partner, GKN Aerospace Services - St. Louis, to deliver to Long Beach, California, and Macon, Georgia; and

WHEREAS, the new facility at Boeing St. Louis was part of a \$140 million multistage plan designed to transform the Boeing St. Louis site into one of the most competitive operations in the aerospace industry; and

WHEREAS, if federal funding for this program is not included in the Federal Defense Budget, 950 jobs at Boeing St.

Louis and 565 jobs at GKN Aerospace Services - St. Louis would be lost; and

WHEREAS, Boeing St. Louis is second only to Long Beach, California, in the manufacture of the C-17 Globemaster III military transport plane and has 57 suppliers across the state of Missouri; and

WHEREAS, the loss of nearly 1,500 skilled aerospace jobs, occurring at the same time that the Hazelwood Ford Plant is scheduled for closure, would have a significant negative impact on the economy of St. Louis and the state of Missouri, as well as the employment and financial stability of nearly 1,500 employees in this state:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to include in the Federal Defense Budget an allocation for the United States Air Force C-17 Globemaster III military transport plane program at Boeing St. Louis; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Missouri Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

S. Lee Kling, as a member of the Missouri Veterans' Commission;

Also,

John F. Smith, as a member of the Missouri Higher Education Loan Authority;

Also,

Donayle E. Whitemore-Smith, Democrat, as a member of the Missouri Women's Council;

Also,

Deborah L. Demien, Republican, as a member

of the State Board of Education;

Also,

Martin J. Struckhoff, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Brian K. Hammons, Republican, as a member and Ryan A. Sivill, as student representative of the Missouri State University Board of Governors.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 817**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 798**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 870**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 726**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 931**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 977**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 778**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 877**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1016**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783** and **890**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 884**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1056**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 968**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1080**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **SB 1064**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 30**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 30, as it appears in the Senate Journal for Wednesday, March 1, 2006, Page 347, Column 2, Line 44 of said column, by inserting immediately after the word "AmerenUE" the following: "**, the Federal Energy Regulatory Commission, and the members of the Missouri Congressional delegation**".

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 756**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 617**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1004**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 785**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1037**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 894**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 655**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 769**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 976**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1139**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1109**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1059**, begs leave to report that it has considered the same

and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1048**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1039**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1027**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 821**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 752**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 697**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed

on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1688**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1248—Commerce, Energy and the Environment.

SB 1249—Education.

SB 1250—Judiciary and Civil and Criminal Jurisprudence.

SB 1251—Aging, Families, Mental and Public Health.

SB 1252—Judiciary and Civil and Criminal Jurisprudence.

SB 1253—Transportation.

SB 1254—Financial and Governmental Organizations and Elections.

SB 1255—Pensions, Veterans' Affairs and General Laws.

RESOLUTIONS

Senator Gross offered the following resolution:

SENATE RESOLUTION NO. 2363

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Ninety-third General Assembly, Second Regular Session, that Senate Rule 103 be adopted, to read as follows:

"Rule 103. During the orientation for new members of the Senate conducted every even numbered year, there shall be a presentation on the traditions and practices commonly referred to as the "unwritten" rules of the senate."

Senator Crowell offered Senate Resolution No. 2364, regarding the One Hundredth Birthday of Mildred Uelsmann, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 2365, regarding Hessie Marie Watts, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 2366, regarding the Ray County Memorial Hospital, Richmond, which was adopted.

Senator Champion offered Senate Resolution No. 2367, regarding Marie Carmichael, which was adopted.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890, introduced by Senator Bartle, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 588, 557, 579, 563, 869,
619, 570, 753, 764, 782, 783 and 890

An Act to repeal sections 43.650, 217.735, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.140, 566.145, 566.151, 573.010, 575.195, 589.400, 589.402, 589.407, 589.414, 589.425, 632.480, 632.484, 632.489, 632.492, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-one new sections relating to sexual offenders, with penalty provisions.

Was taken up.

On motion of Senator Bartle, **SS for SCS for SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 and 890** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following corrected report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 644**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1014** and

SB 730, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1014** and **730**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1014 and 730

An Act to repeal sections 115.126, 115.163, 115.223, 115.427, 115.430, 115.431, 115.631, and 115.637, RSMo, and to enact in lieu thereof eleven new sections relating to election administration, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SBs 1014** and **730** be adopted.

Senator Scott offered **SS** for **SCS** for **SBs 1014** and **730**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1014 and 730

An Act to repeal sections 115.126, 115.159, 115.163, 115.223, 115.427, 115.430, 115.431, 115.631, and 115.637, RSMo, and to enact in lieu thereof twelve new sections relating to election administration, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **SBs 1014** and **730** be adopted.

Senator Koster assumed the Chair.

At the request of Senator Scott, **SB 1014** and **SB 730**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1742**, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to medical assistance eligibility for certain persons, with an emergency clause and expiration date.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1456**, entitled:

An Act to repeal sections 288.030, 288.032, 288.035, 288.036, 288.038, 288.040, 288.045, 288.050, 288.060, 288.120, 288.121, 288.122, 288.128, 288.175, 288.190, 288.310, 288.330, 288.380, 288.381, and 288.500, RSMo, and to enact in lieu thereof twenty-two new sections relating to employment, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1070**, entitled:

An Act to repeal sections 99.805, 99.810, 99.820, 99.845, and 99.847, RSMo, and to enact in lieu thereof eight new sections relating to tax increment financing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1078**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition grants for dependents and spouses of military members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Adam Reckamp, St. Louis.

Senator Gibbons introduced to the Senate, seventy fourth grade students from Westchester Elementary School, Kirkwood.

Senator Scott introduced to the Senate, Michael Schaper and Curtis Schaper, Nick Cooper, Kalene Payne, Jennifer Filsinger, Elise Jinkerson and Cortney Prior, Troy; and Joanna Jones, Elsberry, students from Troy Holiness School.

On behalf of Senator Griesheimer, the President introduced to the Senate, Joe Steele, Sherry Hollenbeck and Jennifer Lagemann, Wright City.

Senator Loudon introduced to the Senate, Jill Stahl, Debbie Casper, Cindy Slota and sixty fourth grade students from Westridge Elementary School, Ballwin.

Senator Gibbons introduced to the Senate, eighty fourth grade students from Robinson Elementary School, Kirkwood.

Senator Gross introduced to the Senate, eighth grade students from Wentzville Middle School.

Senator Gross introduced to the Senate, Ben Blanton and Dale Finke, St. Charles.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 13, 2006.

SENATE CALENDAR

THIRTY-EIGHTH DAY—MONDAY, MARCH 13, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al

HB 983-Meadows, et al

HB 1427-Johnson (90), et al

HB 1035-Young (49), et al

HCS for HB 1138

HCS for HB 978

HCS for HB 1344

HB 1251-Guest, et al

HCS for HB 1168

HB 1204-Roorda, et al

HCS for HB 1742

HCS for HB 1456

HCS for HB 1070

HCS for HB 1078

THIRD READING OF SENATE BILLS

SB 644-Shields

SENATE BILLS FOR PERFECTION

- | | |
|--|------------------------------------|
| 1. SB 938-Stouffer | 11. SB 901-Shields |
| 2. SB 953-Engler, et al, with SCS | 12. SB 635-Cauthorn |
| 3. SBs 613, 1030 & 899-Engler and
Crowell, with SCS | 13. SB 817-Scott, et al |
| 4. SBs 1031 & 846-Klindt, with SCS | 14. SB 892-Scott, with SCS |
| 5. SB 718-Crowell and Mayer, with SCS | 15. SB 798-Nodler, with SCS |
| 6. SB 822-Gross | 16. SB 778-Ridgeway, et al |
| 7. SB 825-Koster, et al, with SCS | 17. SB 1064-Stouffer, with SCS |
| 8. SB 616-Stouffer, with SCS | 18. SB 617-Koster, with SCS |
| 9. SB 589-Bartle | 19. SB 1037-Mayer |
| 10. SB 637-Cauthorn, et al, with SCS | 20. SB 894-Nodler, et al, with SCS |
| | 21. SB 976-Gibbons, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS
SB 596-Days
SB 643-Scott
SB 646-Griesheimer, with SCS
SBs 665 & 757-Engler, with SCS
SB 689-Scott
SB 690-Champion, with SCS
SB 780-Klindt
SB 816-Griesheimer and Coleman,
with SCS & SS for SCS (pending)

SB 820-Koster, with SCS
SB 832-Griesheimer, with SCS
SRB 848-Bartle, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SB 916-Koster, et al, with SCS, SS for
SCS & SA 1 (pending)
SBs 1014 & 730-Scott and Gibbons,
with SCS & SS for SCS (pending)
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS
SB 830-Ridgeway, et al, with SCS

SB 871-Coleman

Reported 2/23

SB 965-Bartle
SB 806-Gross, with SCS
SB 964-Crowell
SB 990-Vogel

SBs 667, 704, 941, 956 & 987-Engler,
with SCS
SB 779-Engler
SB 735-Crowell

Reported 3/2

SB 1020-Vogel
SB 951-Cauthorn
SB 974-Shields
SB 1008-Klindt, with SCS

SB 834-Nodler
SB 947-Shields
SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS	SB 1004-Days
SB 726-Bray	SB 785-Alter
SB 931-Scott	SB 655-Nodler, with SCS
SB 977-Bartle	SB 769-Mayer, with SCS
SB 1026-Cauthorn, with SCS	SB 1139-Gibbons and Kennedy
SB 877-Kennedy and Bray, with SCS	SB 1109-Griesheimer, with SCS
SB 1016-Gross	SB 1059-Kennedy, with SCS
SB 884-Callahan	SB 1048-Shields, with SCS
SB 1002-Mayer, with SCS	SB 1039-Bray and Scott
SB 1056-Griesheimer	SB 1027-Mayer, with SCS
SB 968-Green, with SCS	SB 821-Griesheimer
SB 1080-Coleman	SB 752-Graham
SB 1003-Mayer, with SCS#2	SB 697-Nodler
SB 756-Clemens, with SCS	

House Bills

Reported 3/9

HB 1688-Johnson (47), et al (Callahan)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1014-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS	SCR 27-Crowell
SCR 28-Days	SCR 29-Graham
SCR 30-Scott, with SCA 1	

To be Referred

SR 2363-Gross

SCR 32-Days

SCR 31-Purgason, et al

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial

Journal

Copy

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-EIGHTH DAY—MONDAY, MARCH 13, 2006

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

Almighty God, we were awakened at night by the pure force of nature and are aware this day of the destruction that has swept through the Midwest, and Missouri in particular. We understand that You who created the wind and all that exists are even more powerful than the havoc of nature, and our little power is of no comparison. Yet we are thankful that the loss of life and injury was as small as it was. And we pray for the families touched by the storm and petition You that You will comfort those who grieve, heal those injured and give strength to those who must rebuild. Be with us this week and help us to find ways to assist our neighbors. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 9, 2006 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 2368, regarding the death of Edward Foster Tripp, which was adopted.

Senator Gibbons offered Senate Resolution No. 2369, regarding the Missouri-Arkansas District of Circle K International, which was adopted.

Senator Goodman offered Senate Resolution No. 2370, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Hill, Mt. Vernon, which was adopted.

Senator Graham offered Senate Resolution

No. 2371, regarding Evan Blakemore, Centralia, which was adopted.

Senator Goodman offered Senate Resolution No. 2372, regarding Jared Raley, Pierce City, which was adopted.

Senator Scott offered Senate Resolution No. 2373, regarding Christie Ann Johnson, which was adopted.

Senator Crowell offered Senate Resolution No. 2374, regarding Thomas L. Meyer, Cape Girardeau, which was adopted.

Senator Engler offered Senate Resolution No. 2375, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Phillip Hurst, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 2376, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin St. Gemme, Desloge, which was adopted.

Senator Champion offered Senate Resolution No. 2377, regarding the O'Reilly family, Springfield, which was adopted.

Senator Alter offered Senate Resolution No. 2378, regarding Ruth Wisdom, which was adopted.

Senator Days offered Senate Resolution No. 2379, regarding Matthew Kenneth Franks, Wellston, which was adopted.

Senator Goodman offered Senate Resolution No. 2380, regarding the death of Christopher L. Marion, Pineville, which was adopted.

Senator Nodler offered Senate Resolution No. 2381, regarding Scott Bentley, which was adopted.

Senator Mayer offered Senate Resolution No. 2382, regarding the Ninetieth Birthday of Lillian A. Richardson, Poplar Bluff, which was adopted.

Senator Coleman offered Senate Resolution No. 2383, regarding Amanda Boyce, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution

No. 2384, regarding Ebonee Diane Calvin, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 2385, regarding Samantha Cranmer, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2386, regarding Brittany Marie Decker, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 2387, regarding Cecelia Highley, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 2388, regarding Jackie Kirchhofer, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2389, regarding Jessica Lewis, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2390, regarding Sarah LaRose, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2391, regarding Corissa Lennon, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2392, regarding Megan Meyer, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2393, regarding Renee Moser, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2394, regarding Katy Mueller, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 2395, regarding Nerissa Charmel Osby, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2396, regarding Vanessa Sue Rhinehart, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution

No. 2397, regarding Kristin Roach, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2398, regarding Mary Rudy, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2399, regarding Stephanie Sander, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2400, regarding Jenna Schoenefeld, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 2401, regarding Kathy Schwendemann, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2402, regarding Shannon Stuesse, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2403, regarding Katie Thompson, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2404, regarding Sarah Tucker, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2405, regarding Alyssa Womack, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2406, regarding Jessica D. Wyatt, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 2407, regarding the death of Kevin Mark Foster, which was adopted.

CONCURRENT RESOLUTIONS

Senators Bray, Wheeler, Coleman, Days, Graham and Wilson offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 33
Relating to the ratification of the Equal Rights
Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

SENATE BILLS FOR PERFECTION

Senator Koster moved that **SB 916**, with SCS,

SS for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Cauthorn, **SA 1** was withdrawn.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 916, Page 4, Section 307.178, Line 6 of said page, by striking the opening bracket “[”]; and further amend line 7 of said page, by striking the words “driver and”; and further amend line 8 of said page, by striking all of said line and inserting in lieu thereof the following: “**passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section 302.178, RSMo.**”

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Koster moved that **SS** for **SCS** for **SB 916**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **SB 916**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1310**, entitled:

An Act to repeal sections 304.022, 565.024,

and 565.060, RSMo, and to enact in lieu thereof three new sections relating to emergency vehicles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1232**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the transporting of dead bodies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1153**, entitled:

An Act to repeal section 701.353, RSMo, and to enact in lieu thereof one new section relating to the elevator safety board, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1320**, entitled:

An Act to amend chapter 43, RSMo, by adding thereto one new section relating to criminal background checks of gubernatorial appointees subject to senate confirmation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1343**, entitled:

An Act to repeal sections 478.337, 478.340, 478.343, 478.347, 478.350, and 478.353, RSMo, relating to provision of local circuit court facilities at Canton in Lewis County, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1357**, entitled:

An Act to repeal sections 86.1230 and 86.1600, RSMo, and to enact in lieu thereof two new sections relating to police retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1366**, entitled:

An Act to repeal section 320.300, RSMo, and to enact in lieu thereof one new section relating to volunteer fire protection associations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1367**, entitled:

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1424**, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.730, and 165.071, RSMo, and to enact in lieu thereof fifteen new sections relating to collection of taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 9, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Philip T. Treacy to the Missouri Real Estate Appraisers Commission, submitted on February 7, 2006. Line 1 should be amended as follows:

“Philip T. Treacy, Republican, 12961 Musket Court, Saint Louis, Saint Louis County”

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 9, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

The following addendum should be made to the appointment of
Shawn T. Ordway to the Missouri Real Estate Appraisers
Commission, submitted on February 28, 2006. Line 1 should be
amended as follows:

“Shawn T. Ordway, Democrat, 1312 Dogwood Drive, Jefferson
City, Cole County”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Kevin S. Cahill, 7133 Stanford Avenue, University City,
Saint Louis County, Missouri 63130, as a member of the Bi-State
Development Agency of the Missouri-Illinois Metropolitan District,
for a term ending November 10, 2007, and until his successor is
duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

James D. Corwin, Democrat, 4901 Northwest Old Trail Road,
Kansas City, Platte County, Missouri 64151, as a member of the
Missouri Emergency Response Commission, for a term ending
December 15, 2006, and until his successor is duly appointed and
qualified; vice, Antoinett Filla, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Linda H. Duffy, Republican, 1811 Woodrail Avenue,
Columbia, Boone County, Missouri 65203, as a member of the
Missouri Community Service Commission, for a term ending
December 12, 2007, and until her successor is duly appointed and
qualified; vice, Lisa Norman, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

David A. Hamilton, Democrat, 28088 Lynx Avenue, Macon,
Macon County, Missouri 63552, as a member of the Dam and
Reservoir Safety Council, for a term ending April 3, 2007, and until
his successor is duly appointed and qualified; vice, Mary Hagerty,
term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Jerry R. King, Republican, Rural Route 4, Box 744, Butler,
Bates County, Missouri 64730, as a member of the State Fair
Commission, for a term ending December 29, 2009, and until his
successor is duly appointed and qualified; vice, reappointed to a full
term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Thomas F. Myers, Republican, 87 S Street, Lake Lotawana,
Jackson County, Missouri 64086, as a member of the Dam and
Reservoir Safety Council, for a term ending April 3, 2007, and until
his successor is duly appointed and qualified; vice, Zoretta
Schoonover, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Michele S. Ohmes, Democrat, 14819 East 48th Street, Kansas
City, Jackson County, Missouri 64136, as a member of the Elevator
Safety Board, for a term ending June 6, 2010, and until her
successor is duly appointed and qualified; vice, Clarence Foster,
term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Marvin O. Teer, Democrat, 4326 West Pine Boulevard, Saint
Louis City, Missouri 63108, as a member of Lincoln University
Board of Curators, for a term ending January 1, 2012, and until his
successor is duly appointed and qualified; vice, Reuben Shelton,
term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 6, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Sam Schneider, 1712 Bittersweet Circle, Lebanon, Laclede
County, Missouri 65536, as a member of the State Advisory
Council on Emergency Medical Services, for a term ending January
5, 2010, and until his successor is duly appointed and qualified;
vice, Doug Randel, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Barbara K. Tiedt, 3735 East Eaglescliffe Drive, Springfield,
Greene County, Missouri 65809, as a member of the State Lottery
Commission, for a term ending September 9, 2007, and until her
successor is duly appointed and qualified; vice, Mitchel Geisler,
resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment:

Wilson J. Winn, Republican, 8601 North Eastern Avenue,
Kansas City, Clay County, Missouri 64157, as a member of the
Elevator Safety Board, for a term ending June 6, 2010, and until his

successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above addendums and appointments to the Committee on Gubernatorial Appointments.

THIRD READING OF SENATE BILLS

SB 644, introduced by Senator Shields, entitled:

An Act to repeal sections 163.011 and 167.231 and section 163.031, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof three new sections relating to reductions in state aid for school districts with decreases in summer school attendance, with an emergency clause.

Was taken up.

On motion of Senator Shields, **SB 644** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Crowell Goodman—2

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Crowell Goodman—2

Vacancies—1

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SB 830, with **SCS**, introduced by Senator Ridgeway, et al, entitled:

An Act to repeal sections 86.1110 and 86.1500, RSMo, and to enact in lieu thereof two new sections relating to police military leave.

Was called from the Consent Calendar and taken up.

SCS for **SB 830**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 830

An Act to repeal sections 86.1110, 86.1140, 86.1490, and 86.1500, RSMo, and to enact in lieu thereof four new sections relating to police military

leave.

Was taken up.

Senator Ridgeway moved that **SCS** for **SB 830** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **SB 830** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Crowell Goodman—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 871, introduced by Senator Coleman, entitled:

An Act to repeal sections 86.252, 86.253, and 86.255, RSMo, and to enact in lieu thereof four new sections relating to police retirement.

Was called from the Consent Calendar and taken up.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

On motion of Senator Coleman, **SB 871** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Crowell Goodman—2

Excused from voting—Senator Wilson—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 965, introduced by Senator Bartle, entitled:

An Act to repeal sections 190.350, 190.353, and 190.355, RSMo, and to enact in lieu thereof two new sections relating to poison control.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 965** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senators

Klindt Loudon—2

Absent with leave—Senators

Crowell Goodman—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 806, with **SCS**, introduced by Senator Gross, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the founding documents protection act.

Was called from the Consent Calendar and taken up.

SCS for **SB 806**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 806

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the founding documents protection act.

Was taken up.

Senator Gross moved that **SCS** for **SB 806** be

adopted, which motion failed.

SB 806 was taken up.

On motion of Senator Gross, **SB 806** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Crowell Goodman—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 990, introduced by Senator Vogel, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Wyman S. Basinger Memorial Highway.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 990** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 667, introduced by Senator Engler, **SB 704**, introduced by Senators Engler and Mayer, **SB 941**, introduced by Senator Clemens, **SB 956**, introduced by Senator Purgason, **SB 987**, introduced by Senator Green, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the establishment of memorial highways.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial bridge designations.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Corporal John A. “Jay” Sampietro, Jr., MO state highway patrol memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the

designation of a memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Ralph Tatoian memorial highway.

Were called from the Consent Calendar and taken up by Senator Engler.

SCS for **SBs 667, 704, 941, 956** and **987**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 667, 704, 941,
956 and 987

An Act to repeal section 227.345, RSMo, and to enact in lieu thereof seven new sections relating to highway patrol member highway designations.

Was taken up.

Senator Engler moved that **SCS** for **SBs 667, 704, 941, 956** and **987** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SBs 667, 704, 941, 956** and **987** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 779, introduced by Senator Engler, entitled:

An Act to repeal sections 287.127 and 288.130, RSMo, and to enact in lieu thereof three new sections relating to labor posting requirements, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 779** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Kinder assumed the Chair.

SB 735, introduced by Senator Crowell,

entitled:

An Act to repeal sections 287.480, 288.240, 537.690, and 595.036, RSMo, and to enact in lieu thereof four new sections relating to applications for review or appeal filed with the labor and industrial relations commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 735** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 964, introduced by Senator Crowell, entitled:

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to the appointment and duties of assistant adjutants general.

Was called from the Consent Calendar and

taken up.

On motion of Senator Crowell, **SB 964** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Koster assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Gibbons referred **SR 2363**, **SCR 31** and **SCR 32** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Hickman High School Wrestling Champions, Tony and K.C. Pescaglia, their parents, Bucky and Cyndi Pescaglia, grandparents, Beverly Pescaglia and Mr. and Mrs. John Hall, brother, Vince Pescaglia, and coach, J.D. Coffman, Columbia.

Senator Scott introduced to the Senate, Gary and Sheila McClanahan, Cedar Falls, Iowa.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-NINTH DAY—TUESDAY, MARCH 14, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al	HCS for HB 1070
HB 983-Meadows, et al	HCS for HB 1078
HB 1427-Johnson (90), et al	HB 1310-Lipke, et al
HB 1035-Young (49), et al	HCS for HB 1232
HCS for HB 1138	HCS for HB 1153
HCS for HB 978	HB 1320-Lipke, et al
HCS for HB 1344	HCS for HB 1343
HB 1251-Guest, et al	HCS for HB 1357
HCS for HB 1168	HCS for HB 1366
HB 1204-Roorda, et al	HCS for HB 1367
HCS for HB 1742	HB 1424-Franz
HCS for HB 1456	

SENATE BILLS FOR PERFECTION

1. SB 938-Stouffer	12. SB 635-Cauthorn
2. SB 953-Engler, et al, with SCS	13. SB 817-Scott, et al
3. SBs 613, 1030 & 899-Engler and Crowell, with SCS	14. SB 892-Scott, with SCS
4. SBs 1031 & 846-Klindt, with SCS	15. SB 798-Nodler, with SCS
5. SB 718-Crowell and Mayer, with SCS	16. SB 778-Ridgeway, et al
6. SB 822-Gross	17. SB 1064-Stouffer, with SCS
7. SB 825-Koster, et al, with SCS	18. SB 617-Koster, with SCS
8. SB 616-Stouffer, with SCS	19. SB 1037-Mayer
9. SB 589-Bartle	20. SB 894-Nodler, et al, with SCS
10. SB 637-Cauthorn, et al, with SCS	21. SB 976-Gibbons, with SCS
11. SB 901-Shields	22. SB 1254-Shields, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 689-Scott
SB 596-Days	SB 690-Champion, with SCS
SB 643-Scott	SB 780-Klindt
SB 646-Griesheimer, with SCS	SB 816-Griesheimer and Coleman, with SCS & SS for SCS (pending)
SBs 665 & 757-Engler, with SCS	SB 820-Koster, with SCS

SB 832-Griesheimer, with SCS
SRB 848-Bartle, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)

SBs 1014 & 730-Scott and Gibbons,
with SCS & SS for SCS (pending)
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/2

SB 1020-Vogel
SB 951-Cauthorn
SB 974-Shields
SB 1008-Klindt, with SCS

SB 834-Nodler
SB 947-Shields
SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS
SB 726-Bray
SB 931-Scott
SB 977-Bartle
SB 1026-Cauthorn, with SCS
SB 877-Kennedy and Bray, with SCS
SB 1016-Gross
SB 884-Callahan
SB 1002-Mayer, with SCS
SB 1056-Griesheimer
SB 968-Green, with SCS
SB 1080-Coleman
SB 1003-Mayer, with SCS#2
SB 756-Clemens, with SCS

SB 1004-Days
SB 785-Alter
SB 655-Nodler, with SCS
SB 769-Mayer, with SCS
SB 1139-Gibbons and Kennedy
SB 1109-Griesheimer, with SCS
SB 1059-Kennedy, with SCS
SB 1048-Shields, with SCS
SB 1039-Bray and Scott
SB 1027-Mayer, with SCS
SB 821-Griesheimer
SB 752-Graham
SB 697-Nodler

House Bills

Reported 3/9

HB 1688-Johnson (47), et al (Callahan)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1014-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

SCR 30-Scott, with SCA 1

SCR 27-Crowell

SCR 29-Graham

To be Referred

SCR 33-Bray, et al

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 14, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

"Man stands to revere, he kneels to pray." (Henry David Thoreau)

Gracious God, may we be known as those who appreciate all You have laid before us and so reverence the earth, thanking You for what You have created. And let us be a people who pray and humble ourselves before You. Let us always set our priorities that we are first and always Your servants, that we willingly help others as their concerns confront us and place our needs last so that Your will is completed through us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Shields offered Senate Resolution No. 2408, regarding Brandon James Mynatt, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2409, regarding Daniel Calvin Blake, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2410, regarding Nicholas William Windhorst, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2411, regarding Captain Fred M. James, Ballwin, which was adopted.

Senator Purgason offered Senate Resolution No. 2412, regarding Casey Lynette Morrow,

Mansfield, which was adopted.

Senator Gross offered Senate Resolution No. 2413, regarding Jonathan Joseph Levy, Saint Charles, which was adopted.

Senator Vogel offered Senate Resolution No. 2414, regarding Debbie Nilges, Jefferson City, which was adopted.

Senator Kennedy offered Senate Resolution No. 2415, regarding Bob Casey, Saint Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 916**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1014** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1014**.

SENATE BILLS FOR PERFECTION

SB 938 was placed on the Informal Calendar.

SB 953, with **SCS**, was placed on the Informal Calendar.

SB 613, **SB 1030** and **SB 899**, with **SCS**, were placed on the Informal Calendar.

SB 1031 and **SB 846**, with **SCS**, were placed on the Informal Calendar.

SB 718, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gross, **SB 822** was placed on the Informal Calendar.

SB 825, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer moved that **SB 616**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 616**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 616

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof three new sections relating to assisted living facilities.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 616** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 616, Page 5, Section 198.006, Line 132, by inserting after the word "recuperation" the following: "**except that, for purposes of receiving supplemental welfare assistance payments under section 208.030, RSMo, only, any residential care facility licensed as a residential care facility II immediately prior to the effective date of section 198.073 and that continues to meet such licensure requirements for a residential care facility II licensed immediately prior to the effective date of section 198.073 shall continue to receive after the effective date of section 198.073 the payment amount allocated immediately prior to the effective date of section 198.073 for a residential care facility II under section 208.030, RSMo**".

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 616, Page 12, Section 198.073, Line 206, by inserting immediately after the word “facility” the following: “, **except that any facility licensed by the department as of January 1, 2006, shall not be subject to the provisions of this subsection until January 1, 2008**”.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 616, Page 12, Section 198.073, Line 218, by inserting immediately after all of said line the following:

“**Section 1. Any residential care facility licensed under chapter 198, RSMo, which uses the term “assisted living” in the name of their licensed facility on or before January 1, 2006, shall not be prohibited from using such term after the effective date of this act.**”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Shields offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 616, Page 1, Section 1, Line 7, by inserting immediately after the word “act.” the following:

“**Any such facility shall disclose to the resident that such facility is not licensed as an ‘assisted living facility’ under chapter 198, RSMo.**”.

Senator Shields moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Nodler, Mayer, Purgason and Crowell.

SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Alter	Bartle	Clemens	Crowell
Gibbons	Goodman	Griesheimer	Klindt
Loudon	Mayer	Nodler	Shields
Vogel—13			

NAYS—Senators

Barnitz	Bray	Callahan	Cauthorn
Champion	Coleman	Days	Dougherty
Graham	Green	Gross	Kennedy
Koster	Purgason	Ridgeway	Stouffer
Wheeler	Wilson—18		

Absent—Senator Scott—1

Absent with leave—Senator Engler—1

Vacancies—1

At the request of Senator Nodler, **SA 3** was withdrawn.

Senator Stouffer moved that **SCS** for **SB 616**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 616**, as amended, was declared perfected and ordered printed.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 33—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1014**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1014

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1014.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Norma Champion
/s/ Pat Dougherty
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Carl Bearden
Margaret Donnelly
Wes Shoemyer

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1014**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 616**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 616** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1014** and **SB 730**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 1014** and **730** was again taken up.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014

and 730, Page 13, Section 115.427, Line 2 of said page, by inserting after the word “section” the following: “; or

(3) The voter being seventy years of age or older”; and

Further amend Line 19 of said page, by inserting after the word “belief” the following: “; or

~ My being seventy years of age or older”.

Senator Griesheimer moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Pages 10-16, Section 115.427, by striking said section from the bill; and

Further amend said bill, Page 40, Section 115.637, Line 11, by inserting after all of said line the following:

“Section 1. Immediately prior to departure from a polling place, each individual who has voted shall be stamped in permanent ink on his or her right index finger to signify that the individual has voted. No person who bears the signifying stamp on his or her finger shall be allowed to enter any polling place for any reason.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

Senator Scott raised the point of order that **SSA 1** for **SA 1** is out of order in that it is not a true substitute.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SSA 1 for **SA 1** was again taken up.

Senator Goodman assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

Senator Green offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 1, Section 1, Line 7, by inserting immediately after the word “permanent” the following: “**Missouri soy-based**”; and further amend same page, same section, same line by striking the following: “his or her right index finger” and inserting in lieu thereof the following: “**any of his or her fingers or any visibly exposed body part in the event the voter has no fingers**”; and further amend same page, same section, line 9 by inserting immediately after the word “finger” the following: “or other body part”.

Senator Green moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Green, **SSA 1** for **SA 1** was withdrawn.

Senator Coleman offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Pages 10 to 16, Section 115.427, by deleting said section in its entirety and amending the title and enacting clause accordingly.

Senator Coleman moved that the above substitute amendment be adopted, which motion failed.

Senator Coleman offered **SSA 3** for **SA 1**,

which was read:

SENATE SUBSTITUTE AMENDMENT NO. 3
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 12, Section 115.427, Line 22, by inserting immediately after the word “section” a period;

And further amend same page, same section, lines 23 to 28 by deleting all of said lines;

And further amend page 13, same section, lines 1-2 by deleting said lines;

And further amend page 13, same section, line 2 by inserting immediately after all of said line the following: “**An election authority shall not certify an election until, for all provisional ballots, the election authority has either verified the eligibility of the voter casting the provisional ballot and counted it or rejected the provisional ballot because the person casting it was not eligible to vote.**”;

And further amend page 13, same section, line 17 by deleting the following “because of:” and inserting in lieu thereof a period.;

And further amend page 13, same section, lines 18 through 19 by deleting said lines.

Senator Coleman moved that the above substitute amendment be adopted.

Senator Koster assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dougherty	Engler
Gibbons	Goodman	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel

Wilson—29

Absent—Senators

Days	Graham	Green	Wheeler—4
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Absent with leave—Senators—None

Vacancies—1

Senator Mayer assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Dougherty	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—28

Absent—Senators

Barnitz	Days	Graham	Green
Wheeler—5			

Absent with leave—Senators—None

Vacancies—1

Senator Clemens assumed the Chair.

Senator Mayer assumed the Chair.

Senator Callahan requested a roll call vote be taken on the adoption of **SSA 3** for **SA 1** and was joined in his request by Senators Kennedy, Dougherty, Bray and Wilson.

Senator Shields assumed the Chair.

Senator Clemens assumed the Chair.

Senator Griesheimer assumed the Chair.

At the request of Senator Scott, **SB 1014** and **SB 730**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 3** for **SA 1** (pending) were placed on the Informal

Calendar.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 1014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Moberly High School Wrestling Champion, Charlie Gibbs, his father, John Gibbs, Coach Sam Richardson and Athletic Director Ken Seifert.

Senator Kennedy introduced to the Senate, Jennifer Kim, Marsela Dauti, Ebony Brabham, Tara Dhakal, Kyeung Mo Kim and Brenda Guynes Glick, St. Louis.

Senator Gibbons introduced to the Senate, Lucinda Housely, Columbia; and Kristoffer Simpson, Baltimore, Maryland.

Senator Kennedy introduced to the Senate, Beth and Bill Feldmann, St. Louis.

Senator Griesheimer introduced to the Senate, Lynne Unnerstall, Washington.

Senator Stouffer introduced to the Senate, Roger Johson, Ron Garber, Teresa Meyer and eighth and ninth grade students from Northwestern R-1 School, Mendon.

Senator Barnitz introduced to the Senate, Herman Blau, Dean Gann, Geni Westling, Hilary Bales, Beth Humphrey, Audrey Kell, Charlotte Spencer, Robin Adkison, Craig Hounsom, Doris Widder, Terry Hopgood and Paul Katnick, members of the Leadership Academy, South Central Region.

Senator Griesheimer introduced to the Senate, Elaine Brune, Pacific.

Senator Callahan introduced to the Senate, Philip and Alaina Denney, Independence.

Senator Goodman introduced to the Senate, teachers and eighth grade students from Dora Schools.

Senator Kennedy introduced to the Senate, Carol J. Howard and Alva L. Blue, St. Louis.

Senator Griesheimer introduced to the Senate, Dr. John Simmons, Washington.

Senator Purgason introduced to the Senate, Ann Oesch and thirty-six fourth grade students from Alton R-IV School.

Senator Mayer introduced to the Senate, Brad and Tina Case, and their daughter, Anna, Kennett; and Anna was made an honorary page.

Senator Crowell introduced to the Senate, forty-two fourth grade students from Franklin Elementary School, Cape Girardeau.

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. William R. Reynolds, M.D., and his daughter, Emma, Nixa.

Senator Stouffer introduced to the Senate, Dr. Rose and Ed Wolfe, Richmond.

Senator Goodman introduced to the Senate, Lori Brock and Cody Hughes, Brent Spradling, Chelsea Warren, Erin Lyons, David Ruckman, Kari Cunningham and Teaven Taylor, Mt. Vernon.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY—WEDNESDAY, MARCH 15, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al

HB 983-Meadows, et al

HB 1427-Johnson (90), et al

HB 1035-Young (49), et al

HCS for HB 1138

HCS for HB 978

HCS for HB 1344

HB 1251-Guest, et al

HCS for HB 1168

HB 1204-Roorda, et al

HCS for HB 1742

HCS for HB 1456

HCS for HB 1070

HCS for HB 1078

HB 1310-Lipke, et al

HCS for HB 1232

HCS for HB 1153

HB 1320-Lipke, et al

HCS for HB 1343

HCS for HB 1357

HCS for HB 1366
HCS for HB 1367

HB 1424-Franz

THIRD READING OF SENATE BILLS

SS for SCS for SB 916-Koster

SCS for SB 616-Stouffer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|--------------------------------------|
| 1. SB 589-Bartle | 8. SB 778-Ridgeway, et al |
| 2. SB 637-Cauthorn, et al, with SCS | 9. SB 1064-Stouffer, with SCS |
| 3. SB 901-Shields | 10. SB 617-Koster, with SCS |
| 4. SB 635-Cauthorn | 11. SB 1037-Mayer |
| 5. SB 817-Scott, et al | 12. SB 894-Nodler, et al, with SCS |
| 6. SB 892-Scott, with SCS | 13. SB 976-Gibbons, with SCS |
| 7. SB 798-Nodler, with SCS | 14. SB 1254-Shields, et al, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 822-Gross
SB 596-Days	SB 825-Koster, et al, with SCS
SBs 613, 1030 & 899-Engler and Crowell, with SCS	SB 832-Griesheimer, with SCS
SB 643-Scott	SRB 848-Bartle, with SCS
SB 646-Griesheimer, with SCS	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SBs 665 & 757-Engler, with SCS	SB 938-Stouffer
SB 689-Scott	SB 953-Engler, et al, with SCS
SB 690-Champion, with SCS	SBs 1014 & 730-Scott and Gibbons, with SCS, SS for SCS, SA 1 & SSA 3 for SA 1 (pending)
SB 718-Crowell and Mayer, with SCS	SBs 1031 & 846-Klindt, with SCS
SB 780-Klindt	SJR 26-Ridgeway and Graham
SB 816-Griesheimer and Coleman, with SCS & SS for SCS (pending)	
SB 820-Koster, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/2

SB 1020-Vogel

SB 951-Cauthorn

SB 974-Shields

SB 1008-Klindt, with SCS

SB 834-Nodler

SB 947-Shields

SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS

SB 726-Bray

SB 931-Scott

SB 977-Bartle

SB 1026-Cauthorn, with SCS

SB 877-Kennedy and Bray, with SCS

SB 1016-Gross

SB 884-Callahan

SB 1002-Mayer, with SCS

SB 1056-Griesheimer

SB 968-Green, with SCS

SB 1080-Coleman

SB 1003-Mayer, with SCS#2

SB 756-Clemens, with SCS

SB 1004-Days

SB 785-Alter

SB 655-Nodler, with SCS

SB 769-Mayer, with SCS

SB 1139-Gibbons and Kennedy

SB 1109-Griesheimer, with SCS

SB 1059-Kennedy, with SCS

SB 1048-Shields, with SCS

SB 1039-Bray and Scott

SB 1027-Mayer, with SCS

SB 821-Griesheimer

SB 752-Graham

SB 697-Nodler

House Bills

Reported 3/9

HB 1688-Johnson (47), et al (Callahan)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 27-Crowell

SCR 28-Days

SCR 29-Graham

SCR 30-Scott, with SCA 1

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal

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Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 15, 2006

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“...how little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy.” (Thomas Jefferson, June 17, 1785)

Heavenly Father, we often take so much of our freedom for granted and the cost to have obtained it and to maintain it. We see the thousands who have died to secure freedom and democracy in Iraq and make only a slight connection that is how we had to obtain our freedom as a nation. We pray for those who continue to be in harms way and pray for Your presence and protection to be with them. We pray for the families who have seen their sons and daughters, husbands and wives die and ask Your mercy and comfort be with them. And we pray for guidance to help our leaders bring this warring to an end. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KMIZ-TV, KOMU-TV, and KRCG-TV, had been given permission to take pictures in the Chamber today.

The following Senators were present during the

day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 2416, regarding the Seventy-eighth Birthday of Florine Seay, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2417, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clyde Bachtel, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution

No. 2418, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. John Bollmeyer, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2419, regarding Mr. and Mrs. Eric Zinnah Sayonkon, which was adopted.

Senator Coleman offered Senate Resolution No. 2420, regarding Randi Aurich, Park Hills, which was adopted.

Senator Coleman offered Senate Resolution No. 2421, regarding Molly Anderson, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2422, regarding Erica L. Ballard, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2423, regarding Sarah Lindsay Dettmer, Overland, which was adopted.

Senator Coleman offered Senate Resolution No. 2424, regarding Jennifer Ellison, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2425, regarding Mara Ferlisi, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 2426, regarding Rebecca L. Flynn, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2427, regarding Milissa Foley, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2428, regarding Kadee Gross, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2429, regarding Jace Karmon Heard, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2430, regarding Lindsay Lea Herzog, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 2431, regarding Elizabeth Karslake, Webster Groves, which was adopted.

Senator Coleman offered Senate Resolution No. 2432, regarding Autumn Leigha Kennedy, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2433, regarding Heather Marie Koenig, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2434, regarding Christine Mann, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2435, regarding Katie Lynne McKenna, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2436, regarding Nicole Newton, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2437, regarding Elizabeth Perry, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2438, regarding Kathryn “Katie” Piper, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2439, regarding Amy Elise Randazzo, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 2440, regarding Caitlyn Ashlee Rettke, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 2441, regarding Amanda G. Roberts, O’Fallon, which was adopted.

Senator Coleman offered Senate Resolution No. 2442, regarding Rebecca Smith, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2443, regarding Sarah W. Summers, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2444, regarding Christine Tiffin, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2445, regarding Natalie Zerface, St. Charles, which was adopted.

Senator Bray offered Senate Resolution No. 2446, regarding the Fiftieth Birthday of Eileen Otero Wolfington, Florissant, which was adopted.

Senator Nodler offered Senate Resolution No. 2447, regarding Teresa Williams, Neosho, which was adopted.

Senator Koster offered Senate Resolution No. 2448, regarding J. Dusstin Leathers, which was adopted.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 582**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to

which was referred **SB 1146**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 845**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 725**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1045**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1208**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 878**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1221**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 980**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1085**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 1084**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 1247**,

begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 952**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS for SB 616**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1189**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1093**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1124**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

At the request of Senator Bartle, **SB 589** was placed on the Informal Calendar.

SB 637, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 901** was placed on the Informal Calendar.

SB 635 was placed on the Informal Calendar.

SB 817 was placed on the Informal Calendar.

SB 892, with **SCS**, was placed on the Informal Calendar.

SB 798, with **SCS**, was placed on the Informal Calendar.

SB 778 was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 1064**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Koster, **SB 617**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 1037** was placed on the Informal Calendar.

At the request of Senator Nodler, **SB 894**, with **SCS**, was placed on the Informal Calendar.

SB 976, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SB 1254**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1254**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1254**

An Act to repeal sections 105.470, 105.473, 130.032, and 130.046, RSMo, and to enact in lieu thereof four new sections relating to ethics, with an effective date.

Was taken up.

Senator Bartle assumed the Chair.

Senator Shields moved that **SCS** for **SB 1254** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 1254**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1254**

An Act to repeal sections 105.470, 105.473, 130.032, and 130.046, RSMo, and to enact in lieu thereof four new sections relating to ethics, with an effective date.

Senator Shields moved that **SS** for **SCS** for **SB 1254** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by deleting the words "Any rule or regulation under the"; and further amend said page and section, lines 13-22 by deleting all of said lines and inserting in lieu thereof the following:

"10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void."

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

Having voted on the prevailing side, Senator Gross moved that the vote by which **SA 1** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Gross, **SA 1** was withdrawn.

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 19, Section 130.032, Line 7, by inserting after all of said line the following:

“130.042. The Missouri ethics commission shall post on its website in an easily accessible and conspicuous manner, a listing organized by candidate showing all expenditures required to be disclosed by sections 130.041 and 130.050, made in support of and against each candidate, together with the date and amount of each expenditure. The list underlying each candidate shall be further organized into the following two categories:

(1) Expenditures in support of the

candidate; and

(2) Expenditures in opposition to the candidate.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Bartle assumed the Chair.

Senator Shields offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 1, Section 130.042, Line 8 by inserting after the word “expenditure.” the following: **“The Commission shall post each expenditure within seven days of notification of the expenditure.”.**

Senator Shields moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Shields, **SB 1254**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

RESOLUTIONS

Senator Alter offered Senate Resolution No. 2449, regarding Fox Senior High School Sports Hall of Fame, which was adopted.

Senator Engler offered Senate Resolution No. 2450, regarding the Sixtieth Anniversary of the Norman L. Rigdon VFW Post 5896, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2451, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James S. Sadler, Bloomsdale, which was adopted.

Senator Scott offered Senate Resolution No. 2452, regarding Roberta Powell, Benton County, which was adopted.

Senator Scott offered Senate Resolution No. 2453, regarding Wayne Powell, Benton County, which was adopted.

Senator Purgason offered Senate Resolution No. 2454, regarding the One Hundredth Birthday of Orpha Bridges, Houston, which was adopted.

Senator Barnitz offered Senate Resolution No. 2455, regarding the One Hundredth Birthday of Opal Burnett, Bourbon, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1254**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 1254**, as amended, was again taken up.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting after all of said line the following:

“Section 1. 1. Any person who files as a candidate for election to an office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any local, or state taxes including, but not limited to, income taxes, personal property taxes, or any business

taxes for a business in which the person has a majority interest, or is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349, RSMo. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any local or state taxes, other than those taxes which may be in dispute.

..... **Candidate's Signature**

..... **Printed Name of Candidate.”**

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any local or state taxes, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all outstanding taxes.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 19, Section 130.032, Line 7, by inserting immediately after all of said line the following:

“10. If any committee in support of any candidate in any one election receives contributions with limits determined by the office for which the candidate is seeking election under this section, and the candidate subsequently seeks election to another office with more restrictive contributions limits, the committee shall refund all contributions to the respective donors in excess of the contribution limits allowed under this section for the office for which the candidate ultimately seeks.”

Senator Bray moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 16, Section 130.032, Line 17, by striking the words “candidate committees” and inserting in lieu thereof the following: **“political party committees”**; and

Further amend said bill, section, and page, line 19 of said page, by striking the words: “political party committees” and inserting in lieu thereof the following: **“candidate committees”**; and

Further amend said bill and section, page 19, line 7 of said page, by inserting immediately after said line the following:

“10. Notwithstanding the provisions of this section to the contrary, the amount of contribution made by or accepted from any person to any political party committee, as defined in section 130.011, in any year shall not

exceed five hundred dollars in the aggregate.”

Senator Green moved that the above substitute amendment be adopted.

At the request of Senator Green, **SSA 1** for **SA 4** was withdrawn.

SA 4 was again taken up.

At the request of Senator Bray, the above amendment was withdrawn.

Senator Days offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting after the end of said line the following:

“Section 1. Any individual currently holding office as a state representative or a state senator shall not contract with or solicit any other current senator or representative for the purposes of securing or providing services for political fund raising, campaigning, or consulting that in any way relates to the election of any state or federal office.”;

And further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on **SA 5**.

Senator Koster assumed the Chair.

Senator Days requested a roll call vote be taken on the adoption of **SA 5** and was joined in her request by Senators Barnitz, Bray, Coleman and Graham.

Senator Bray offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 1, Section 1, Line 5, by inserting immediately following the word “solicit” the following: **“for compensation”**.

Senator Bray moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on **SA 1** to **SA 5**.

At the request of Senator Bray, **SA 1** to **SA 5** was withdrawn.

SA 5 was again taken up.

At the request of Senator Days, **SA 5** was withdrawn.

Senator Days offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 105.473, Line 13, by inserting immediately after all of said line, the following:

“105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the

financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service, need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee

draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a gift shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a gift shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130, RSMo; or

(e) Paid for purely personal purposes which

are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, RSMo, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement, he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as

provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to

each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on **SA 6**.

Senator Bray offered **SA 1** to **SA 6**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 8, Section 105.485, Line 16, by inserting immediately after the end of the closing quotation mark ” the following:

“105.487. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

(1) Each candidate for elective office, except those candidates for county committee of a political party pursuant to section 115.609, RSMo, or section 115.611, RSMo, who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen days after the close of filing at which the candidate seeks nomination or election, and the statement shall be for the twelve months prior to the closing date, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen days of the individual's nomination by caucus. An individual required to file a financial interest statement because of the individual's candidacy for office prior to a primary election in accordance with this section is also required to amend such statement no later than the close of business on Monday prior to the general election to reflect any changes in financial interest during the interim. The appropriate election authority shall provide to the candidate at the time of filing for election written notice of the candidate's obligation to file pursuant to sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging receipt of such notice;

(2) Each person appointed to office, except any person elected for county committee of a political party pursuant to section 115.617, RSMo, and each official or employee described in section 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days of such appointment or employment;

(3) Every other person required by sections 105.483 to 105.492 to file a financial interest statement shall file the statement annually not later than the first day of May and the statement shall cover the calendar year ending the immediately preceding December thirty-first; provided that the

governor, lieutenant governor, any member of the general assembly or any member of the governing body of a political subdivision may supplement such person's financial interest statement to report additional interests acquired after December thirty-first of the covered year until the date of filing of the financial interest statement;

(4) The deadline for filing any statement required by sections 105.483 to 105.492 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement required within a specified time shall be deemed to be timely filed if it is postmarked not later than midnight of the day previous to the last day designated for filing the statement.

(5) Such financial interest statement filed with the Missouri ethics commission shall be filed electronically."

Senator Bray moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on **SA 1 to SA 6**.

Senator Bray moved that **SA 1 to SA 6** be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting immediately after all of said line the following:

"Section 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found

guilty of or pled guilty to a felony under the laws of this state."; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on the adoption of **SS** for **SCS** for **SB 1254**, as amended.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 130.032, Lines 15-16 of said page, by striking all of said lines and inserting in lieu thereof the following: **"pursuant to section 130.031, the amount of contributions from a house district committee, senate district committee, judicial circuit committee, or congressional district committee to any candidate in any one"**; and

Further amend said section, page 16, lines 17-28, by striking all of said lines; and

Further amend said section, page 17, lines 1-21, by striking all of said lines and inserting in lieu thereof the following:

"3. No house district committee shall receive more than the amount allowable under subdivision 3 of subsection 1 of this section from any person for each calendar year.

4. No senate district committee, judicial circuit committee, or congressional district committee shall receive more than the amount allowable under subdivision 2 of subsection 1 of this section from any person for each calendar year."; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Lines 13-19, by striking all of said lines from the bill.

Senator Griesheimer moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 18, Section 130.032, Line 28, by striking all of said line; and further amend said bill, page 19, section 130.032, lines 1 through 3, by striking all of said lines, and inserting in lieu thereof the following: **“Candidates for”**.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Engler, Gibbons and Wheeler.

SA 10 failed of adoption by the following vote:

YEAS—Senators

Days	Dougherty	Green	Wheeler
Wilson—5			

NAYS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Shields	Stouffer	Vogel—27	

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—1

Senator Ridgeway offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting at the end of said line the following:

“10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”

Senator Ridgeway moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Clemens, Engler and Stouffer.

SA 11 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Alter	Scott—2
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Absent with leave—Senators—None

Vacancies—1

Senator Shields offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 105.473, Line 13 of said page, by inserting immediately after said line the following:

“105.497. 1. Any member of the general assembly who seeks election only to the office of president pro tempore of the Missouri senate or the speaker of the Missouri house of representatives may establish a committee for such purpose. This committee may be in addition to any committee established by the member pursuant to the provisions of chapter 130, RSMo.

2. Each committee so established shall file disclosure reports setting forth the same content as provided for by section 130.041, RSMo, at the following times and for the following periods:

(1) Not later than the fifteenth day following the close of each calendar quarter;

(2) Not later than the eighth day before the general election for a period closing on the twelfth day before the general election;

(3) Such disclosure reports shall be filed with the Missouri ethics commission.

3. Candidates for the office of president pro tempore of the Missouri senate and the speaker of the Missouri house of representatives may accept a contribution equal to the contribution set out in subdivision (1) of subsection 1 of section 130.032, RSMo, as increased by subsection 2 of section 130.032, RSMo.

4. A committee established pursuant to this section shall neither make any political contributions to the candidate committee of the candidate who controls the committee, nor

purchase any political advertising for such individual.

130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) “Appropriate officer” or “appropriate officers”, the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) “Ballot measure” or “measure”, any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) “Candidate”, an individual who seeks nomination or election to public office. The term “candidate” includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a “write-in candidate” as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual

shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) "Closing date", the date through which a statement or report is required to be complete;

(7) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) "Committee", does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a

calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (12) of this section;

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (12) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to

comply with all record keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee;

(8) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(9) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures.

A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(10) "Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures;

(11) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors,

employees or security holders of such organization or their spouses;

(12) “Contribution”, a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. “Contribution” includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) “Contribution” does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to

the members, officers, directors, employees or security holders of the connected organization;

(13) "County", any one of the several counties of this state or the city of St. Louis;

(14) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of

value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly

performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(17) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office.

Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money;

(20) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which

employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(21) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(22) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) "Political party committee", a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, which may be organized as a not-for-profit

corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party;

(26) “Public office” or “office”, any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters. **“Public office” or “office” shall not include the office of president pro tempore of the Missouri senate or the speaker of the Missouri house of representatives;**

(27) “Regular session”, includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) “Write-in candidate”, an individual whose name is not printed on the ballot but who otherwise meets the definition of “candidate” in subdivision (3) of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting immediately after all of said line the following:

“Section 1. Any debt, in excess of the maximum individual contribution allowed by law, incurred by a candidate’s campaign committee must be repaid before the committee’s next regularly scheduled report to the ethics committee is due.”; and

Further amend the title and enacting clause

accordingly.

Senator Graham moved that the above amendment be adopted, which motion failed.

Senator Gibbons offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 105.473, Line 13 of said page, by inserting immediately after said language the following:

“105.957. 1. The commission shall receive any complaints alleging violation of the provisions of:

(1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

(2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;

(3) The campaign finance disclosure requirements contained in chapter 130, RSMo;

(4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;

(5) The conflict of interest laws contained in sections 105.450 to 105.468 and section 171.181, RSMo; and

(6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

2. Complaints filed with the commission shall be in writing and filed only by a natural person. The complaint shall contain all facts known by the complainant that have given rise to the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant. No complaint shall be investigated unless the complaint alleges facts which, if true, fall within the jurisdiction of the

commission. **Within five days after receipt of a complaint by the commission, a copy shall be distributed to the alleged violator.**

3. No complaint shall be investigated which concerns alleged criminal conduct which allegedly occurred previous to the period of time allowed by law for criminal prosecution for such conduct. The commission may refuse to investigate any conduct which is the subject of civil or criminal litigation. The commission, its executive director or an investigator shall not investigate any complaint concerning conduct which is not criminal in nature which occurred more than two years prior to the date of the complaint. A complaint alleging misconduct on the part of a candidate for public office, other than those alleging failure to file the appropriate financial interest statements or campaign finance disclosure reports, shall not be accepted by the commission within sixty days prior to the primary election at which such candidate is running for office, and until after the general election.

4. **If the commission finds that any complaint is frivolous in nature or finds no probable cause to believe that there has been a violation, the commission shall dismiss the case. For the purposes of this subsection, “frivolous” shall mean a complaint clearly lacking any basis in fact or law. Any person who submits a frivolous complaint shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. If the commission finds that a complaint is frivolous or that there is no probable cause to believe there has been a violation, the commission shall issue a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal of the complaint. Upon such issuance, the complaint and all materials relating to the complaint shall be a public record as defined in chapter 610, RSMo.**

5. Complaints which allege violations as

described in this section which are filed with the commission shall be handled as provided by section 105.961.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS for SCS for SB 1254**, as amended, be adopted, which motion prevailed.

Senator Shields moved that **SS for SCS for SB 1254**, as amended, be declared perfected and ordered printed.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on the perfection of **SS for SCS for SB 1254**, as amended.

On motion of Senator Shields, **SS for SCS for SB 1254**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1055**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1060**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the

Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 852**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1086**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1130**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1175**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1094**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1101**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1207**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1177**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1102**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1155**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1206**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1197**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 895**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee

on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 925**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1017**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 877**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 655**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1109**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1027**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 821**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 752**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1002**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1057**, begs leave to report that it has considered the same and recommends

that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle requested unanimous consent of the Senate to have the Judiciary and Civil and Criminal Jurisprudence committee report on **SB 895** returned, which request was granted.

On motion of Senator Shields, the Senate recessed until 9:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1254**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2456, regarding Rob Huff, Cape Girardeau, which was adopted.

Senators Bartle and Callahan offered Senate Resolution No. 2457, regarding Bud Lathrop, Raytown, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Vogel and himself, Senator Shields introduced to the Senate, Arliss

Elliot, Vera Lisenby, Joyce Johnson, Judy Johnson, Sandy Sharp and Carol Shipp.

Senator Champion introduced to the Senate, Donna Washburn, Lacey Nunnally and twenty students from Evangel University, Springfield.

Senator Champion introduced to the Senate, Sarah Ivaska and twenty-four students from the New Covenant Academy, Springfield.

Senator Shields introduced to the Senate, Mayor David Jones, St. Joseph.

Senator Coleman introduced to the Senate, Todd Sklamberg, Kathy Pope, Julia Grubb, Jim Eggemeyer, Donna Avers, members of the Transport Services Team and staff, Friends of St. Louis Children's Hospital.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Michael Fessenden, M.D., Peculiar.

Senator Griesheimer introduced to the Senate, Rusty and Theresa Lee, Warrenton.

Senator Vogel introduced to the Senate, fourth grade students from McIntire School, Fulton; and Paul Brooks and Joe Schlemeier were made honorary pages.

Senator Gibbons introduced to the Senate, Pat and Mickey Owen and their children, Hannah and John, Homeschoolers from St. Louis; and Hannah and John were made honorary pages.

Senator Stouffer introduced to the Senate, Elisabeth Godfrey, Liberty.

Senator Scott introduced to the Senate, Recorder of Deeds Stacy Satterfield, Buffalo; Recorder of Deeds Carol Poindexter, Bolivar; and Recorder of Deeds Carole Wilkerson, Stockton.

Senator Purgason introduced to the Senate, Leanna Brahm, Hartville.

Senator Engler introduced to the Senate, John Mass, St. Louis.

Senator Days introduced to the Senate, D'Andre Braddix and Student Curator Maria Curtis, University of Missouri-St. Louis.

Senator Stouffer introduced to the Senate, Mike Johnson, Jefferson City.

Senator Engler introduced to the Senate, Youth Leadership from Jefferson Youth Excel, Jefferson County.

Senator Engler introduced to the Senate, Lindell Coleman, Greg Kester, John Haguwood and thirteen twelfth grade students from Potosi High School.

Senator Scott introduced to the Senate, Matt Harr, Pettis County.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY—THURSDAY, MARCH 16, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al	HCS for HB 1070
HB 983-Meadows, et al	HCS for HB 1078
HB 1427-Johnson (90), et al	HB 1310-Lipke, et al
HB 1035-Young (49), et al	HCS for HB 1232
HCS for HB 1138	HCS for HB 1153
HCS for HB 978	HB 1320-Lipke, et al
HCS for HB 1344	HCS for HB 1343
HB 1251-Guest, et al	HCS for HB 1357
HCS for HB 1168	HCS for HB 1366
HB 1204-Roorda, et al	HCS for HB 1367
HCS for HB 1742	HB 1424-Franz
HCS for HB 1456	

THIRD READING OF SENATE BILLS

SS for SCS for SB 916-Koster	SS for SCS for SB 1254-Shields
SCS for SB 616-Stouffer	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 780-Klindt
SB 589-Bartle	SB 798-Nodler, with SCS
SB 596-Days	SB 816-Griesheimer and Coleman, with SCS & SS for SCS (pending)
SBs 613, 1030 & 899-Engler and Crowell, with SCS	SB 817-Scott, et al
SB 617-Koster, with SCS	SB 820-Koster, with SCS
SB 635-Cauthorn	SB 822-Gross
SB 637-Cauthorn, et al, with SCS	SB 825-Koster, et al, with SCS
SB 643-Scott	SB 832-Griesheimer, with SCS
SB 646-Griesheimer, with SCS	SRB 848-Bartle, with SCS
SBs 665 & 757-Engler, with SCS	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 689-Scott	SB 892-Scott, with SCS
SB 690-Champion, with SCS	SB 894-Nodler, et al, with SCS
SB 718-Crowell and Mayer, with SCS	SB 901-Shields
SB 778-Ridgeway, et al	

SB 938-Stouffer
 SB 953-Engler, et al, with SCS
 SB 976-Gibbons, with SCS
 SBs 1014 & 730-Scott and Gibbons, with
 SCS, SS for SCS, SA 1 &
 SSA 3 for SA 1 (pending)

SBs 1031 & 846-Klindt, with SCS
 SB 1037-Mayer
 SB 1064-Stouffer, with SCS
 SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/2

SB 1020-Vogel
 SB 951-Cauthorn
 SB 974-Shields
 SB 1008-Klindt, with SCS

SB 834-Nodler
 SB 947-Shields
 SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS
 SB 726-Bray
 SB 931-Scott
 SB 977-Bartle
 SB 1026-Cauthorn, with SCS
 SB 1016-Gross
 SB 884-Callahan
 SB 1056-Griesheimer
 SB 968-Green, with SCS
 SB 1080-Coleman

SB 1003-Mayer, with SCS#2
 SB 756-Clemens, with SCS
 SB 1004-Days
 SB 785-Alter
 SB 769-Mayer, with SCS
 SB 1139-Gibbons and Kennedy
 SB 1059-Kennedy, with SCS
 SB 1048-Shields, with SCS
 SB 1039-Bray and Scott
 SB 697-Nodler

Reported 3/15

SB 582-Griesheimer
 SB 1165-Klindt

SB 1146-Ridgeway
 SB 845-Kennedy, et al

SB 804-Gross
SB 725-Bray, et al
SB 1045-Goodman
SB 1208-Koster
SB 878-Champion, with SCS
SB 1221-Goodman, with SCS
SB 980-Clemens
SB 1085-Kennedy, et al
SB 1084-Gibbons
SB 1247-Vogel
SB 952-Goodman, et al
SB 1189-Gibbons
SB 1093-Gross
SB 1124-Shields
SB 1055-Cauthorn, with SCS
SB 1060-Kennedy, et al, with SCS
SB 852-Barnitz, with SCS
SB 1122-Shields, with SCS

SB 1086-Kennedy, et al, with SCS
SB 1130-Green
SB 1175-Stouffer, with SCS
SB 1094-Champion
SB 1101-Griesheimer
SB 1207-Mayer
SB 1177-Callahan
SB 1102-Alter
SB 568-Dougherty, et al, with SCS
SB 1117-Stouffer, with SCS
SB 1155-Stouffer
SB 1206-Mayer
SB 1197-Wheeler and Champion
SB 925-Cauthorn, with SCS
SB 1017-Clemens
SB 1222-Goodman, with SCS
SB 1057-Loudon
SB 1216-Goodman

House Bills

Reported 3/9

HB 1688-Johnson (47), et al (Callahan)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days
SCR 30-Scott, with SCA 1

SCR 27-Crowell
SCR 29-Graham

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIRST DAY—THURSDAY, MARCH 16, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

Heavenly Father, we have come to a time to put our good works down for the moment and perhaps to do nothing for a while so that we might relax our bodies and renew our strength and uplift our spirits and enjoy a time of re-creation. Let us use this time away to have time with those we love and reconnect in important ways with them. Let us fill our souls with Your word. And let us use our time to prepare ourselves for the rush of activities that will await us when we return. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Goodman assumed the Chair.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 2458, regarding the Honorable Mark Peters, Pierce City, which was adopted.

Senator Goodman offered Senate Resolution No. 2459, regarding the Ninetieth Birthday of Caroline Probstfield McNerney, which was adopted.

Senator Clemens offered Senate Resolution No. 2460, regarding Blake C. Edwards, Ozark, which was adopted.

Senator Bartle offered Senate Resolution No. 2461, regarding Donald Edward Greenwell, IV, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2462, regarding Tyler Justin Lewis, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2463, regarding Jacob Wayne Swetnam, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2464, regarding Max Million Muller, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2465, regarding Paul Anthony Toigo, Jr., Lee's Summit, which was adopted.

Senator Loudon offered Senate Resolution No. 2466, regarding the Saint Louis Agribusiness Club and the National Postsecondary Agriculture Student Organization, which was adopted.

Senator Bartle offered Senate Resolution No. 2467, regarding Aaron James Ashley, Lee's Summit, which was adopted.

Senator Stouffer offered Senate Resolution No. 2468, regarding the One Hundredth Birthday of Jo Ellis Bishop, Otterville, which was adopted.

Senator Stouffer offered Senate Resolution No. 2469, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ellis Jeffries, Hale, which was adopted.

Senator Loudon offered Senate Resolution No. 2470, regarding John E. Cira, Hazelwood, which was adopted.

THIRD READING OF SENATE BILLS

SS for SCS for SB 916, introduced by Senator Koster, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 916

An Act to repeal sections 210.104, 210.106, 210.107, and 307.178, RSMo, and to enact in lieu thereof three new sections relating to child safety restraints, with penalty provisions.

Was taken up.

On motion of Senator Koster, **SS for SCS for SB 916** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Green—1

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 616, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 616

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof three new sections relating to assisted living facilities.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS for SB 616** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens	Cauthorn	Champion	Clemens	Coleman
Coleman	Crowell	Days	Dougherty	Days	Engler	Gibbons	Goodman
Engler	Gibbons	Goodman	Graham	Graham	Green	Griesheimer	Gross
Green	Griesheimer	Gross	Kennedy	Kennedy	Klindt	Koster	Loudon
Klindt	Koster	Loudon	Mayer	Mayer	Nodler	Purgason	Ridgeway
Nodler	Purgason	Ridgeway	Shields	Scott	Shields	Stouffer	Vogel
Stouffer	Vogel	Wheeler	Wilson—32	Wilson—29			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 1254**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1254

An Act to repeal sections 105.470, 105.473, 105.485, 105.487, 105.957, 130.011, 130.032, and 130.046, RSMo, and to enact in lieu thereof twelve new sections relating to ethics, with an effective date.

Was taken up.

Senator Shields moved that **SS** for **SCS** for **SB 1254** be read the 3rd time and finally passed.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on the 3rd reading of **SS** for **SCS** for **SB 1254**.

On motion of Senator Shields, **SS** for **SCS** for **SB 1254** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Callahan

NAYS—Senators

Bray Dougherty Wheeler—3

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Crowell—1

Vacancies—1

President Kinder assumed the Chair.

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Scott moved that **SCR 30**, with **SCA 1**, be taken up for adoption, which motion prevailed.

Senator Gross assumed the Chair.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **SCR 30**, as amended, was adopted by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—1

Senator Crowell moved that **SCR 27** be taken up for adoption, which motion prevailed.

On motion of Senator Crowell, **SCR 27** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

HOUSE BILLS ON THIRD READING

HB 1688, introduced by Representative Johnson (47), et al, entitled:

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to the sole purpose of excluding a sales tax imposed by Jackson County for sports stadium

improvement from economic activity tax revenues for tax increment finance projects.

Was called from the Consent Calendar and taken up by Senator Callahan.

On motion of Senator Callahan, **HB 1688** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Kennedy—1

Absent—Senator Koster—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

David J. Jones, as a member of the Advisory

Committee for 911 Service Oversight;

Also,

James L. Wieberg, as a member of the Missouri Genetic Advisory Committee;

Also,

T. Brooks Hurst, Republican, as a member of the Missouri Agricultural and Small Business Development Authority.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which were referred **SB 905** and **SB 910**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which

was referred **SB 1066**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 696**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 882**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1072**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 642**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 841**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 895**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1081**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 912**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SJR 31**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 1049**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 1041**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 1058**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 969**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing, processing and defeasing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and

Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, Stormwater Control Fund, and the Access Missouri Debt Reduction Fund and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James M. DiPardo, Democrat, 13964 County Road 3630, Saint James, Phelps County, Missouri 65559, as a member of the

Land Reclamation Commission, for a term ending September 28, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James W. Loch, Democrat, 305 Paxton Street, Platte City, Platte County, Missouri 64079, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Karen Daniel, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth "Penny" Bennett, 151 Pralle Lane, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Board of Geologist Registration, for a term ending April 11, 2009, and until her successor is duly appointed and qualified; vice, Michelle Smart, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jean R. Hausheer, M.D., Democrat, 4322 North Hickory

Lane, Kansas City, Clay County, Missouri 64116, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2008, and until her successor is duly appointed and qualified; vice, Donald Almond, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Theresa J. Parker, 12116 East 46th Street, Kansas City, Jackson County, Missouri 64133, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2010, and until her successor is duly appointed and qualified; vice, John Scott George, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Iola C. Jasper, 519 Grand View Drive, Sunrise Beach, Camden County, Missouri 65079, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2006, and until her successor is duly appointed and qualified; vice, Lisa Guillory, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Dana T. Cutler, Republican, 6442 Wornall Road, Kansas City, Jackson County, Missouri 64113, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, Robert Wheeler, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Earl Wilson, Democrat, 8027 Bennett Street, Saint Louis, Saint Louis County, Missouri 63117, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Pearlie Evans, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ellen M. Nichols, M.D., 2122 East 47th Street, Joplin, Newton County, Missouri 64804, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2008, and until her successor is duly appointed and qualified; vice, Stephen Jordan, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 14, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Claire Rebecca “Becky” James-Hatter, Democrat, 1445 South 18th Street, Loft 134, Saint Louis City, Missouri 63104, as a member of the Missouri Community Service Commission, for a term ending December 12, 2007, and until her successor is duly appointed and qualified; vice Jesse J. Harris, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William “Jay” Acock, Republican, 5507 Smith Street, Russellville, Cole County, Missouri 65074, as a member of the Missouri Community Service Commission, for a term ending December 12, 2006, and until his successor is duly appointed and qualified; vice, Harry A. Kujath, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 8, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deron L. Cherry, Republican, 505 North East Oaks Ridge Drive, Lee’s Summit, Jackson County, Missouri 64064, as a member of State Environmental Improvement and Energy Resources Authority, for a term ending January 22, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1003**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1004**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **HB 1005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1688**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Garrett and Julie Titus, Blake and Mary Sellers, Joseph and Missi Jones, Lawson.

Senator Bray introduced to the Senate, Dena Ladd, Mary Marth, Karla Rigdon, Christina Westerheide and seventy fourth grade students from Read Elementary School, Ladue.

Senator Green introduced to the Senate, Julie Titus and her son, Garrett, Lawson; and Garrett was made an honorary page.

Senator Barnitz introduced to the Senate,

Maria Kardon, Rebecca Moser, Lori Moss, Tiffany Pritchett, Jodie Sapaugh, Jennifer Smith, Brady Wilson, John Petersen and Kevin Allen, members of Leadership Phelps County.

Senator Cauthorn introduced to the Senate, his cousin, Mary Jo Cauthorn, Emporia, Kansas; and Mary and Thomas Gill, Arlington, Texas.

Senator Vogel introduced to the Senate, Ann Holman, Jefferson City.

Senator Koster introduced to the Senate, Claire Dobbs, St. Louis.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Kirt Nichols, M.D., Columbia.

Senator Gibbons introduced to the Senate, seventy-five fourth grade students from Tillman Elementary School, Kirkwood.

Senator Days introduced to the Senate, Ruth Banks and twenty-five fourth grade students from Pershing Elementary School, University City.

Senator Scott introduced to the Senate, Kendra and Georgie Cook and Lisa and Bailey Howard, Hickory County.

Senator Clemens introduced to the Senate, Jim and Donna Edwards and their son, Blake, and Dan Ellis, Ozark.

Senator Clemens introduced to the Senate, Principal Brenda Parris, Shannon Sharp and fourth grade students from Walnut Grove Elementary School.

Senator Griesheimer introduced to the Senate, Tina Sutherland and fourth grade students from Rebecca Boone Elementary School, Warrenton.

Senator Purgason introduced to the Senate, Leanna Baumer, Hartville.

On motion of Senator Shields, the Senate adjourned until 10:00 a.m., Wednesday, March 22, 2006.

SENATE CALENDAR

FORTY-SECOND DAY—WEDNESDAY, MARCH 22, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al	HB 1310-Lipke, et al
HB 983-Meadows, et al	HCS for HB 1232
HB 1427-Johnson (90), et al	HCS for HB 1153
HB 1035-Young (49), et al	HB 1320-Lipke, et al
HCS for HB 1138	HCS for HB 1343
HCS for HB 978	HCS for HB 1357
HCS for HB 1344	HCS for HB 1366
HB 1251-Guest, et al	HCS for HB 1367
HCS for HB 1168	HB 1424-Franz
HB 1204-Roorda, et al	HB 1001 (Icet)
HCS for HB 1742	HCS for HB 1002
HCS for HB 1456	HCS for HB 1003
HCS for HB 1070	HCS for HB 1004
HCS for HB 1078	HCS for HB 1005

SENATE BILLS FOR PERFECTION

- | | |
|--|-------------------------------------|
| 1. SBs 905 & 910-Engler, with SCS | 10. SB 895-Engler, with SCS |
| 2. SB 1104-Cauthorn and Klindt, with SCS | 11. SB 1081-Clemens, with SCS |
| 3. SB 1066-Klindt | 12. SB 912-Goodman, et al, with SCS |
| 4. SB 696-Nodler and Crowell | 13. SJR 31-Ridgeway and Shields |
| 5. SB 1002-Mayer, with SCS | 14. SB 1049-Shields, with SCS |
| 6. SB 882-Engler, with SCS | 15. SB 1041-Gibbons, with SCS |
| 7. SB 1072-Loudon | 16. SB 1058-Loudon |
| 8. SB 642-Scott | 17. SB 969-Stouffer, with SCS |
| 9. SB 841-Ridgeway, et al, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS
 SB 589-Bartle
 SB 596-Days
 SBs 613, 1030 & 899-Engler and
 Crowell, with SCS
 SB 617-Koster, with SCS
 SB 635-Cauthorn
 SB 637-Cauthorn, et al, with SCS
 SB 643-Scott
 SB 646-Griesheimer, with SCS
 SBs 665 & 757-Engler, with SCS
 SB 689-Scott
 SB 690-Champion, with SCS
 SB 718-Crowell and Mayer, with SCS
 SB 778-Ridgeway, et al
 SB 780-Klindt
 SB 798-Nodler, with SCS
 SB 816-Griesheimer and Coleman,
 with SCS & SS for SCS (pending)
 SB 817-Scott, et al

SB 820-Koster, with SCS
 SB 822-Gross
 SB 825-Koster, et al, with SCS
 SB 832-Griesheimer, with SCS
 SRB 848-Bartle, with SCS
 SB 849-Mayer, et al, with SS,
 SA 6 & SA 1 to SA 6 (pending)
 SB 892-Scott, with SCS
 SB 894-Nodler, et al, with SCS
 SB 901-Shields
 SB 938-Stouffer
 SB 953-Engler, et al, with SCS
 SB 976-Gibbons, with SCS
 SBs 1014 & 730-Scott and Gibbons, with
 SCS, SS for SCS, SA 1 & SSA 3 for
 SA 1 (pending)
 SBs 1031 & 846-Klindt, with SCS
 SB 1037-Mayer
 SB 1064-Stouffer, with SCS
 SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/2

SB 1020-Vogel
 SB 951-Cauthorn
 SB 974-Shields
 SB 1008-Klindt, with SCS

SB 834-Nodler
 SB 947-Shields
 SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS	SB 1003-Mayer, with SCS#2
SB 726-Bray	SB 756-Clemens, with SCS
SB 931-Scott	SB 1004-Days
SB 977-Bartle	SB 785-Alter
SB 1026-Cauthorn, with SCS	SB 769-Mayer, with SCS
SB 1016-Gross	SB 1139-Gibbons and Kennedy
SB 884-Callahan	SB 1059-Kennedy, with SCS
SB 1056-Griesheimer	SB 1048-Shields, with SCS
SB 968-Green, with SCS	SB 1039-Bray and Scott
SB 1080-Coleman	SB 697-Nodler

Reported 3/15

SB 582-Griesheimer	SB 852-Barnitz, with SCS
SB 1165-Klindt	SB 1122-Shields, with SCS
SB 1146-Ridgeway	SB 1086-Kennedy, et al, with SCS
SB 845-Kennedy, et al	SB 1130-Green
SB 804-Gross	SB 1175-Stouffer, with SCS
SB 725-Bray, et al	SB 1094-Champion
SB 1045-Goodman	SB 1101-Griesheimer
SB 1208-Koster	SB 1207-Mayer
SB 878-Champion, with SCS	SB 1177-Callahan
SB 1221-Goodman, with SCS	SB 1102-Alter
SB 980-Clemens	SB 568-Dougherty, et al, with SCS
SB 1085-Kennedy, et al	SB 1117-Stouffer, with SCS
SB 1084-Gibbons	SB 1155-Stouffer
SB 1247-Vogel	SB 1206-Mayer
SB 952-Goodman, et al	SB 1197-Wheeler and Champion
SB 1189-Gibbons	SB 925-Cauthorn, with SCS
SB 1093-Gross	SB 1017-Clemens
SB 1124-Shields	SB 1222-Goodman, with SCS
SB 1055-Cauthorn, with SCS	SB 1057-Loudon
SB 1060-Kennedy, et al, with SCS	SB 1216-Goodman

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days

SCR 29-Graham

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY—WEDNESDAY, MARCH 22, 2006

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Callahan, Senator Vogel offered Senate Resolution No. 2471, regarding the One Hundred Third Birthday of M. Lorene Fisk, Independence, which was adopted.

On behalf of Senator Days, Senator Vogel offered Senate Resolution No. 2472, regarding the Honorable William Ratchford, which was adopted.

On behalf of Senator Griesheimer, Senator Vogel offered Senate Resolution No. 2473, regarding Dale Sullivan, St. Clair, which was adopted.

On behalf of Senator Dougherty, Senator Vogel offered Senate Resolution No. 2474, regarding the Missouri Regional Poison Control Center at SSM Cardinal Glennon Children's Medical Center, St. Louis, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2475, regarding Paul Barry and Randall Barry, Carrollton, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2476, regarding Mr.

and Mrs. Corey Weir, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2477, regarding Dr. Greg Gettings, Boonville, which was adopted.

On behalf of Senator Wheeler, Senator Vogel offered Senate Resolution No. 2478, regarding Children's Mercy Hospitals and Clinics, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 2479, regarding Tyler R. Boggess, Kearney, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital

improvements projects involving repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1008**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the

Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1010**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and

ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1012**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly,

including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1013**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Vogel, the Senate adjourned until 4:00 p.m., Monday, March 27, 2006.

SENATE CALENDAR

FORTY-THIRD DAY—MONDAY, MARCH 27, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al	HCS for HB 1343
HB 983-Meadows, et al	HCS for HB 1357
HB 1427-Johnson (90), et al	HCS for HB 1366
HB 1035-Young (49), et al	HCS for HB 1367
HCS for HB 1138	HB 1424-Franz
HCS for HB 978	HB 1001-Icet
HCS for HB 1344	HCS for HB 1002
HB 1251-Guest, et al	HCS for HB 1003
HCS for HB 1168	HCS for HB 1004
HB 1204-Roorda, et al	HCS for HB 1005
HCS for HB 1742	HCS for HB 1006
HCS for HB 1456	HCS for HB 1007
HCS for HB 1070	HB 1008-Icet
HCS for HB 1078	HB 1009-Icet
HB 1310-Lipke, et al	HCS for HB 1010
HCS for HB 1232	HCS for HB 1011
HCS for HB 1153	HCS for HB 1012
HB 1320-Lipke, et al	HB 1013-Icet

SENATE BILLS FOR PERFECTION

- | | |
|--|----------------------------|
| 1. SBs 905 & 910-Engler, with SCS | 5. SB 1002-Mayer, with SCS |
| 2. SB 1104-Cauthorn and Klindt, with SCS | 6. SB 882-Engler, with SCS |
| 3. SB 1066-Klindt | 7. SB 1072-Loudon |
| 4. SB 696-Nodler and Crowell | 8. SB 642-Scott |

9. SB 841-Ridgeway, et al, with SCS
10. SB 895-Engler, with SCS
11. SB 1081-Clemens, with SCS
12. SB 912-Goodman, et al, with SCS
13. SJR 31-Ridgeway and Shields

14. SB 1049-Shields, with SCS
15. SB 1041-Gibbons, with SCS
16. SB 1058-Loudon
17. SB 969-Stouffer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS
SB 589-Bartle
SB 596-Days
SBs 613, 1030 & 899-Engler and Crowell,
with SCS
SB 617-Koster, with SCS
SB 635-Cauthorn
SB 637-Cauthorn, et al, with SCS
SB 643-Scott
SB 646-Griesheimer, with SCS
SBs 665 & 757-Engler, with SCS
SB 689-Scott
SB 690-Champion, with SCS
SB 718-Crowell and Mayer, with SCS
SB 778-Ridgeway, et al
SB 780-Klindt
SB 798-Nodler, with SCS
SB 816-Griesheimer and Coleman,
with SCS & SS for SCS (pending)
SB 817-Scott, et al

SB 820-Koster, with SCS
SB 822-Gross
SB 825-Koster, et al, with SCS
SB 832-Griesheimer, with SCS
SRB 848-Bartle, with SCS
SB 849-Mayer, et al, with SS,
SA 6 & SA 1 to SA 6 (pending)
SB 892-Scott, with SCS
SB 894-Nodler, et al, with SCS
SB 901-Shields
SB 938-Stouffer
SB 953-Engler, et al, with SCS
SB 976-Gibbons, with SCS
SBs 1014 & 730-Scott and Gibbons,
with SCS, SS for SCS, SA 1
& SSA 3 for SA 1 (pending)
SBs 1031 & 846-Klindt, with SCS
SB 1037-Mayer
SB 1064-Stouffer, with SCS
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/2

SB 1020-Vogel
SB 951-Cauthorn
SB 974-Shields
SB 1008-Klindt, with SCS

SB 834-Nodler
SB 947-Shields
SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS
SB 726-Bray
SB 931-Scott
SB 977-Bartle
SB 1026-Cauthorn, with SCS
SB 1016-Gross
SB 884-Callahan
SB 1056-Griesheimer
SB 968-Green, with SCS
SB 1080-Coleman

SB 1003-Mayer, with SCS#2
SB 756-Clemens, with SCS
SB 1004-Days
SB 785-Alter
SB 769-Mayer, with SCS
SB 1139-Gibbons and Kennedy
SB 1059-Kennedy, with SCS
SB 1048-Shields, with SCS
SB 1039-Bray and Scott
SB 697-Nodler

Reported 3/15

SB 582-Griesheimer
SB 1165-Klindt
SB 1146-Ridgeway
SB 845-Kennedy, et al
SB 804-Gross
SB 725-Bray, et al
SB 1045-Goodman
SB 1208-Koster
SB 878-Champion, with SCS
SB 1221-Goodman, with SCS
SB 980-Clemens
SB 1085-Kennedy, et al
SB 1084-Gibbons
SB 1247-Vogel
SB 952-Goodman, et al
SB 1189-Gibbons

SB 1093-Gross
SB 1124-Shields
SB 1055-Cauthorn, with SCS
SB 1060-Kennedy, et al, with SCS
SB 852-Barnitz, with SCS
SB 1122-Shields, with SCS
SB 1086-Kennedy, et al, with SCS
SB 1130-Green
SB 1175-Stouffer, with SCS
SB 1094-Champion
SB 1101-Griesheimer
SB 1207-Mayer
SB 1177-Callahan
SB 1102-Alter
SB 568-Dougherty, et al, with SCS
SB 1117-Stouffer, with SCS

SB 1155-Stouffer
SB 1206-Mayer
SB 1197-Wheeler and Champion
SB 925-Cauthorn, with SCS

SB 1017-Clemens
SB 1222-Goodman, with SCS
SB 1057-Loudon
SB 1216-Goodman

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days

SCR 29-Graham

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY—MONDAY, MARCH 27, 2006

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

Thomas A. Kempis prayed: "Place me where you will and use me according to your wisdom. I am in your hand as your servant ready to do all that you command."

Gracious God, we are here to serve not ourselves but the people You have given us to care for. Help us to see that the laws we pass contain the seeds of Your justice and are helpful to those the law touches. May we truly be willing to be used by You for others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 16, 2006 and Wednesday, March 22, 2006 were read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 2480, regarding Thomas E. Maguire, III, which was adopted.

Senator Loudon offered Senate Resolution No. 2481, regarding Jack A. Kearney, which was adopted.

On behalf of Senator Kennedy, Senator Shields offered Senate Resolution No. 2482, regarding Jill Vaughn, Saint Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 2483, regarding Wendy Buehler, which was adopted.

Senator Wheeler offered Senate Resolution No. 2484, regarding Eric Lee Washburn, which was adopted.

Senator Wheeler offered Senate Resolution No. 2485, regarding Nicholas Scott "Nick" Gripp,

which was adopted.

Senator Wheeler offered Senate Resolution No. 2486, regarding Benjamin Logan “Ben” Hall, which was adopted.

Senator Bartle offered Senate Resolution No. 2487, regarding Austin James Marlin, which was adopted.

Senator Bartle offered Senate Resolution No. 2488, regarding Michael Andrew Wegener, which was adopted.

Senator Goodman offered Senate Resolution No. 2489, regarding the College of the Ozarks Men’s Basketball Team, Point Lookout, which was adopted.

Senator Goodman offered Senate Resolution No. 2490, regarding the College of the Ozarks Women’s Basketball Team, Point Lookout, which was adopted.

Senator Goodman offered Senate Resolution No. 2491, regarding Debbie Brechbuhler, Crane, which was adopted.

Senator Vogel offered Senate Resolution No. 2492, regarding Ruth Ann Martin, Jefferson City, which was adopted.

Senator Wheeler offered Senate Resolution No. 2493, regarding Richard E. “Dick” White, Kansas City, which was adopted.

Senator Koster offered Senate Resolution No. 2494, regarding Joseph D. Yoder, Garden City, which was adopted.

Senator Klindt offered Senate Resolution No. 2495, regarding Leroy Shatto, Osborn, which was adopted.

Senator Klindt offered Senate Resolution No. 2496, regarding Kayla Herrera, Lawson, which was adopted.

Senators Stouffer and Purgason offered Senate Resolution No. 2497, regarding Jerry Armstrong, Mountain Grove, which was adopted.

Senator Nodler offered Senate Resolution No. 2498, regarding Kenneth Johnson, Carthage, which was adopted.

Senator Koster offered Senate Resolution No. 2499, regarding Dana Pindilli, which was adopted.

Senator Koster offered Senate Resolution No. 2500, regarding Chelsea Abney, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 2501, regarding Megan Reynolds, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 2502, regarding Ashley Kjos, which was adopted.

Senator Koster offered Senate Resolution No. 2503, regarding Jessica Sommerkamp, which was adopted.

Senator Koster offered Senate Resolution No. 2504, regarding Margaret Klein, which was adopted.

Senator Gibbons offered Senate Resolution No. 2505, regarding Ella Bolden Brown, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 2506, regarding National Commander Thomas Bock, Aurora, Colorado, which was adopted.

Senator Crowell offered Senate Resolution No. 2507, regarding Major General James E. Livingston, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1118—Aging, Families, Mental and Public Health.

HB 983—Financial and Governmental Organizations and Elections.

HB 1427—Judiciary and Civil and Criminal Jurisprudence.

HB 1035—Transportation.

HCS for HB 1138—Pensions, Veterans' Affairs and General Laws.

HCS for HB 978—Pensions, Veterans' Affairs and General Laws.

HCS for HB 1344—Pensions, Veterans' Affairs and General Laws.

HB 1251—Education.

HCS for HB 1168—Financial and Governmental Organizations and Elections.

HB 1204—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1742—Pensions, Veterans' Affairs and General Laws.

HCS for HB 1456—Small Business, Insurance and Industrial Relations.

HCS for HB 1070—Economic Development, Tourism and Local Government.

HCS for HB 1078—Pensions, Veterans' Affairs and General Laws.

HB 1310—Transportation.

HCS for HB 1232—Aging, Families, Mental and Public Health.

HCS for HB 1153—Financial and Governmental Organizations and Elections.

HB 1320—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1343—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1357—Pensions, Veterans' Affairs and General Laws.

HCS for HB 1366—Economic Development, Tourism and Local Government.

HCS for HB 1367—Aging, Families, Mental and Public Health.

HB 1424—Economic Development, Tourism and Local Government.

HB 1001—Appropriations.

HCS for HB 1002—Appropriations.

HCS for HB 1003—Appropriations.

HCS for HB 1004—Appropriations.

HCS for HB 1005—Appropriations.

HCS for HB 1006—Appropriations.

HCS for HB 1007—Appropriations.

HB 1008—Appropriations.

HB 1009—Appropriations.

HCS for HB 1010—Appropriations.

HCS for HB 1011—Appropriations.

HCS for HB 1012—Appropriations.

HB 1013—Appropriations.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 822** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Gross, **SB 822** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1102**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1093**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1055**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 852**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1222**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 984**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the display of the POW/MIA flag.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1058**, entitled:

An Act to repeal section 167.166, RSMo, and

to enact in lieu thereof one new section relating to school attire.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1306**, entitled:

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.380, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.621, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1060, 104.1072, 104.1090, 104.1200, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-two new sections relating to state employee retirement, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1491**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to medical assistance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SB 1020, introduced by Senator Vogel, entitled:

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to

requirements for installers and manufacturers of fuel storage tanks.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 1020** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 951, introduced by Senator Cauthorn, entitled:

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to revenues generated by moving traffic violations.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 951** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 974, introduced by Senator Shields, entitled:

An Act to repeal section 633.032, RSMo, and to enact in lieu thereof one new section relating to mental health waitlists for services.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 974** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

Stouffer Vogel Wheeler Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1008, with **SCS**, introduced by Senator Klindt, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the governor's advisory council on agricultural science and technology.

Was called from the Consent Calendar and taken up.

SCS for SB 1008, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1008

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the governor's advisory council on agricultural science and technology.

Was taken up.

Senator Klindt moved that **SCS for SB 1008** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler Gibbons Goodman Graham

Green Griesheimer Gross Klindt

Koster Loudon Mayer Nodler

Purgason Ridgeway Scott Shields

Stouffer Vogel Wheeler Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

On motion of Senator Klindt, **SCS for SB 1008** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 834, introduced by Senator Nodler, entitled:

An Act to repeal sections 162.700, 162.950, 162.955, 162.961, and 167.020, RSMo, and to enact in lieu thereof four new sections relating to special education, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 834** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 947, introduced by Senator Shields, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to early childhood education.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 947** was

read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 981, introduced by Senator Goodman, et al, entitled:

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the highway patrol.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **SB 981** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

Stouffer Vogel Wheeler Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 870, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal sections 57.290, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, and to enact in lieu thereof nine new sections relating to the transfer of existing appropriation payments in the office of administration, with a penalty provision and an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for SB 870, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 870

An Act to repeal sections 37.200, 37.205, 37.210, 37.215, 37.220, 37.225, 37.230, 57.290, 143.183, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, and to enact in lieu thereof seventeen new sections relating to the transfer of existing appropriation payments in the office of administration, with a penalty provision and an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 870** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 870** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Purgason Ridgeway—2

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Kennedy—1

Vacancies—1

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1101**, entitled:

An Act to repeal sections 290.145, 376.421, and 379.952, RSMo, and to enact in lieu thereof three new sections relating to improper employment practices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1222**, entitled:

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to special deputy coroners and medical examiners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1245**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to school nurses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1333**, entitled:

An Act to amend chapter 242, RSMo, by adding thereto one new section relating to drainage districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1358**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of hepatitis awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 27, 2006

Senator Mike Gibbons
President Pro Tem
Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101
Dear Senator Gibbons:

This is to advise you that I will be acting Governor from March 17, 2006 at approximately 7:30 p.m. until the Governor returns on April 2, 2006 at approximately 5:45 p.m.

Please submit this to the Senate Journal. Thank you for your

assistance.

Sincerely,
/s/ Pete Kinder
PETER D. KINDER
Lieutenant Governor

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Task Force on Alternative Sentencing

Dear Mrs. Spieler:

Pursuant to Section 217.860 RSMo, I am appointing the following to the Task Force on Alternative Sentencing:

- Senator Chris Koster

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Missouri Area Health Education Centers Council

Dear Mrs. Spieler:

Pursuant to Section 191.980 RSMo, I am appointing the following to the Missouri Area Health Education Centers Council:

- Senator Charlie Shields
- Senator Rita Heard Days

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Commission on Judicial Resources

Dear Mrs. Spieler:

Pursuant to Section 476.415 RSMo, I am appointing the following to the Commission on Judicial Resources:

- Senator Matt Bartle
- Senator Timothy Green

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Joint Committee on the Life Sciences

Dear Mrs. Spieler:

Pursuant to Section 21.805 RSMo, I am appointing the following to the Joint Committee on the Life Sciences:

- Senator David Klindt
- Senator Chris Koster
- Senator Dan Clemens
- Senator Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Missouri State Advisory Council on Pain and Symptom Management

Dear Mrs. Spieler:

Pursuant to Section 192.350 RSMo, I am reappointing the following to the Missouri State Advisory Council on Pain and Symptom Management:

- Senator Bill Alter
- Senator Harry Kennedy

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Quality Jobs Advisory Task Force

Dear Mrs. Spieler:

Pursuant to Section 620.1887 RSMo, I am appointing the following to the Quality Jobs Advisory Task Force:

- Senator John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Joint Committee on Tax Increment Financing

Dear Mrs. Spieler:

Pursuant to Section 99.863 RSMo, I am appointing the following to the Joint Committee on Tax Increment Financing:

- Senator John Griesheimer
- Senator Chuck Gross
- Senator Chris Koster
- Senator Timothy Green
- Senator Victor Callahan

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Missouri Boundary Commission

Dear Mrs. Spieler:

Pursuant to Section 7.200 RSMo, I am appointing the following to the Missouri Boundary Commission:

- Senator David Klindt
- Senator Frank Barnitz

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

March 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

RE: Appointments to the Missouri RX Plan Advisory Commission

Dear Mrs. Spieler:

Pursuant to Section 208.792 of the Revised Statutes of Missouri (RSMo 2005), I am appointing the following to the Missouri RX Plan Advisory Commission:

- Senator Bill Stouffer
- Senator Maida Coleman
- Shirley Deuser-Snyder, Public Member

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

On behalf of Senator Kennedy and himself, Senator Dougherty introduced to the Senate, Mrs. Eleanor Schmidt and Terri, Jason and Scott Karcher, St. Louis; and Terri, Jason and Scott were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FOURTH DAY—TUESDAY, MARCH 28, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 984-Meadows, et al

HB 1058-Cunningham and Sander

HCS for HB 1306

HB 1491-Walton, et al

HCS for HB 1101

HB 1222-Cooper (158)

HB 1245-Sater, et al

HCS for HB 1333

HB 1358-Portwood, et al

SENATE BILLS FOR PERFECTION

1. SBs 905 & 910-Engler, with SCS

2. SB 1104-Cauthorn and Klindt, with SCS

3. SB 1066-Klindt

4. SB 696-Nodler and Crowell

5. SB 1002-Mayer, with SCS

6. SB 882-Engler, with SCS

7. SB 1072-Loudon

8. SB 642-Scott

9. SB 841-Ridgeway, et al, with SCS

10. SB 895-Engler, with SCS

11. SB 1081-Clemens, with SCS

12. SB 912-Goodman, et al, with SCS

13. SJR 31-Ridgeway and Shields

14. SB 1049-Shields, with SCS

15. SB 1041-Gibbons, with SCS

16. SB 1058-Loudon

17. SB 969-Stouffer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS

SB 589-Bartle

SB 596-Days	SB 825-Koster, et al, with SCS
SBs 613, 1030 & 899-Engler and Crowell, with SCS	SB 832-Griesheimer, with SCS
SB 617-Koster, with SCS	SRB 848-Bartle, with SCS
SB 635-Cauthorn	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 637-Cauthorn, et al, with SCS	SB 892-Scott, with SCS
SB 643-Scott	SB 894-Nodler, et al, with SCS
SB 646-Griesheimer, with SCS	SB 901-Shields
SBs 665 & 757-Engler, with SCS	SB 938-Stouffer
SB 689-Scott	SB 953-Engler, et al, with SCS
SB 690-Champion, with SCS	SB 976-Gibbons, with SCS
SB 718-Crowell and Mayer, with SCS	SBs 1014 & 730-Scott and Gibbons, with SCS, SS for SCS, SA 1 & SSA 3 for SA 1 (pending)
SB 778-Ridgeway, et al	SBs 1031 & 846-Klindt, with SCS
SB 780-Klindt	SB 1037-Mayer
SB 798-Nodler, with SCS	SB 1064-Stouffer, with SCS
SB 816-Griesheimer and Coleman, with SCS & SS for SCS (pending)	SJR 26-Ridgeway and Graham
SB 817-Scott, et al	
SB 820-Koster, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/9

SB 726-Bray	SB 968-Green, with SCS
SB 931-Scott	SB 1080-Coleman
SB 977-Bartle	SB 1003-Mayer, with SCS#2
SB 1026-Cauthorn, with SCS	SB 756-Clemens, with SCS
SB 1016-Gross	SB 1004-Days
SB 884-Callahan	SB 785-Alter
SB 1056-Griesheimer	SB 769-Mayer, with SCS

SB 1139-Gibbons and Kennedy
SB 1059-Kennedy, with SCS
SB 1048-Shields, with SCS

SB 1039-Bray and Scott
SB 697-Nodler

Reported 3/15

SB 582-Griesheimer
SB 1165-Klindt
SB 1146-Ridgeway
SB 845-Kennedy, et al
SB 804-Gross
SB 725-Bray, et al
SB 1045-Goodman
SB 1208-Koster
SB 878-Champion, with SCS
SB 1221-Goodman, with SCS
SB 980-Clemens
SB 1085-Kennedy, et al
SB 1084-Gibbons
SB 1247-Vogel
SB 952-Goodman, et al
SB 1189-Gibbons
SB 1124-Shields
SB 1060-Kennedy, et al, with SCS

SB 1122-Shields, with SCS
SB 1086-Kennedy, et al, with SCS
SB 1130-Green
SB 1175-Stouffer, with SCS
SB 1094-Champion
SB 1101-Griesheimer
SB 1207-Mayer
SB 1177-Callahan
SB 568-Dougherty, et al, with SCS
SB 1117-Stouffer, with SCS
SB 1155-Stouffer
SB 1206-Mayer
SB 1197-Wheeler and Champion
SB 925-Cauthorn, with SCS
SB 1017-Clemens
SB 1057-Loudon
SB 1216-Goodman

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days

SCR 29-Graham

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY—TUESDAY, MARCH 28, 2006

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Senator Scott offered the following prayer:

The psalmist writes, “So teach us to number our days, that we may gain a heart of wisdom.” (Psalms 90:12)

Lord, as we return from spring break we suddenly realize that the short dark days of January have passed, February has evaporated and March has led us to the gate of springtime.

The slow methodical pace of introducing bills and starting committee hearings has accelerated to a hectic juggling of our schedules and soon we will be in the dead run of April and May...and then this session will be over.

Lord, help us today to not only **number** our days...but to **live** each day with full awareness of our dependence on You and Your wisdom, and to **remember** that You placed us here to serve others, not to serve ourselves. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Chamber today.

The following Senators were present during the

day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2508, regarding Zachary Ryan Paukner, Doniphan, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2509, regarding Jeffrey R. Kessels, Union, which was adopted.

Senator Alter offered Senate Resolution No. 2510, regarding Timothy John “Tim” Rabior, Fenton, which was adopted.

Senator Bray offered Senate Resolution No.

2511, regarding Kathy McKemy, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1432**, entitled:

An Act to repeal section 217.670, RSMo, and to enact in lieu thereof one new section relating to the state board of probation and parole.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1437**, entitled:

An Act to repeal sections 190.350, 190.353, and 190.355, RSMo, and to enact in lieu thereof two new sections relating to poison information and control.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1601**, entitled:

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 998**, entitled:

An Act to authorize the conveyance of property owned by the state in Pettis County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1687**, entitled:

An Act to repeal sections 196.973, 196.979, and 196.981, RSMo, and to enact in lieu thereof three new sections relating to unused prescription drugs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1722**, entitled:

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to park services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1732**, entitled:

An Act to repeal section 167.627, RSMo, and

to enact in lieu thereof one new section relating to the possession and self-administration of medications by pupils.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

The Senate observed a moment of silence, followed by a prayer, in memory of Rutherford “Rudy” Wallace.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 984—Financial and Governmental Organizations and Elections.

HB 1058—Education.

HCS for **HB 1306**—Pensions, Veterans’ Affairs and General Laws.

HB 1491—Aging, Families, Mental and Public Health.

HCS for **HB 1101**—Small Business, Insurance and Industrial Relations.

HB 1222—Aging, Families, Mental and Public Health.

HB 1245—Education.

HCS for **HB 1333**—Economic Development, Tourism and Local Government.

HB 1358—Aging, Families, Mental and Public Health.

THIRD READING OF SENATE BILLS

SB 726, introduced by Senator Bray, entitled:

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to formation of a new political party.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 726** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 931, introduced by Senator Scott, entitled:

An Act to repeal section 238.216, RSMo, and to enact in lieu thereof one new section relating to the election of directors for transportation development districts.

Was called from the Consent Calendar and taken up.

Senator Gross assumed the Chair.

On motion of Senator Scott, **SB 931** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham	Absent—Senators—None
Green	Griesheimer	Gross	Kennedy	
Klindt	Koster	Loudon	Mayer	Absent with leave—Senators—None
Nodler	Purgason	Ridgeway	Scott	
Shields	Stouffer	Vogel	Wheeler	Vacancies—1
Wilson—33				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 977, introduced by Senator Bartle, entitled:

An Act to repeal section 590.190, RSMo, and to enact in lieu thereof one new section relating to the POST commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 977** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

SB 1026, with **SCS**, introduced by Senator Cauthorn, entitled:

An Act to repeal sections 42.014 and 42.015, RSMo, and to enact in lieu thereof two new sections relating to veterans' programs.

Was called from the Consent Calendar and taken up.

SCS for **SB 1026**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1026

An Act to repeal sections 42.014 and 42.015, RSMo, and to enact in lieu thereof two new sections relating to veterans' programs.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 1026** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 1026** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt Koster Loudon Mayer
 Nodler Purgason Ridgeway Scott
 Shields Stouffer Vogel Wheeler
 Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1016, introduced by Senator Gross, entitled:

An Act to repeal section 137.390, RSMo, and to enact in lieu thereof one new section relating to determination of tax rates for county commissions, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 1016** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 884, introduced by Senator Callahan, entitled:

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to the sole purpose of excluding a sales tax imposed by Jackson County for sports stadium improvement from economic activity tax revenues for tax increment finance projects.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 884** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1056, introduced by Senator Griesheimer, entitled:

An Act to repeal section 67.1545, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 1056** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler

Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 968, with **SCS**, introduced by Senator Green, entitled:

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof four new sections relating to fire protection.

Was called from the Consent Calendar and taken up.

SCS for **SB 968**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof four new sections relating to fire protection.

Was taken up.

Senator Green moved that **SCS** for **SB 968** be adopted, which motion prevailed.

On motion of Senator Green, **SCS** for **SB 968**

was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 756, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal sections 334.706, 334.708, 334.715, and 334.721, RSMo, and to enact in lieu thereof four new sections relating to licensure of athletic trainers.

Was called from the Consent Calendar and taken up.

SCS for **SB 756**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 756

An Act to repeal sections 334.706, 334.708, 334.715, and 334.721, RSMo, and to enact in lieu thereof four new sections relating to licensure of

athletic trainers.

Was taken up.

Senator Clemens moved that **SCS** for **SB 756** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 756** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1004, introduced by Senator Days, entitled:

An Act to repeal section 160.930, RSMo, and to enact in lieu thereof one new section relating to the sunset provision of the first steps program.

Was called from the Consent Calendar and taken up.

On motion of Senator Days, **SB 1004** was read

the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 785, introduced by Senator Alter, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to duties of jailers.

Was called from the Consent Calendar and taken up.

On motion of Senator Alter, **SB 785** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason
Stouffer

Ridgeway
Vogel

Scott
Wheeler

Shields
Wilson—32

NAYS—Senators—None

Absent—Senator Goodman—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Alter, title to the bill was agreed to.

Senator Alter moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 769, with **SCS**, introduced by Senator Mayer, entitled:

An Act to amend chapter 165, RSMo, by adding thereto one new section relating to authorization of additional fund transfers for school districts meeting certain qualifications, with a termination date and an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 769**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 769

An Act to amend chapter 165, RSMo, by adding thereto one new section relating to authorization of additional fund transfers for school districts meeting certain qualifications, with a termination date and an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 769** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 769** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SB 1139, introduced by Senators Gibbons and Kennedy, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Sergeant William McEntee Memorial highway.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **SB 1139** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1059, with **SCS**, introduced by Senator Kennedy, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a memorial highway.

Was called from the Consent Calendar and

taken up.

SCS for SB 1059, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1059**

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a memorial highway.

Was taken up.

Senator Kennedy moved that **SCS for SB 1059** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS for SB 1059** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee

on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 822**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2512, regarding Barbara L. Brown, Saint Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2513, regarding Kelly Crancer, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 2514, regarding Elizabeth M. Curran, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2515, regarding Theresa Nadler, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 2516, regarding Chelsea Nolen, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2517, regarding Stefanie Rademacher, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2518, regarding Jessica Robinson, St. Mary, which was adopted.

Senator Coleman offered Senate Resolution No. 2519, regarding Bridget Rothermich, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2520, regarding Kim Schumacher, Lonedell, which was adopted.

Senator Coleman offered Senate Resolution No. 2521, regarding Valerie Douglas, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 2522, regarding Shayna Kaseberg, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2523, regarding Emily Hohe, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2524, regarding Katherine Michelle Allen, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2525, regarding Marlena Schuller, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2526, regarding Kelsey Jones, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2527, regarding Anna Barman, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2528, regarding Jamee Lynn Palmer, Chesterfield, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

THIRD READING OF SENATE BILLS

SB 1048, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

Was called from the Consent Calendar and taken up.

SCS for SB 1048, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1048

An Act to repeal section 301.140, RSMo, and

to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

Was taken up.

Senator Shields moved that **SCS for SB 1048** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS for SB 1048** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Barnitz	Engler	Green—3
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1039, introduced by Senators Bray and Scott, entitled:

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to eliminating the annual state of the state transportation address.

Was called from the Consent Calendar and

taken up by Senator Bray.

On motion of Senator Bray, **SB 1039** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 697, introduced by Senator Nodler, entitled:

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the sole purpose of exempting dealers who sell emergency vehicles from certain dealer licensure requirements.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 697** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Green—2
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 582, introduced by Senator Griesheimer, entitled:

An Act to repeal section 92.086, RSMo, and to enact in lieu thereof one new section relating to municipal taxation of telecommunication, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 582** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1165, introduced by Senator Klindt, entitled:

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution control fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 1165** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1146, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 536.010 and 536.100, RSMo, and to enact in lieu thereof two new sections relating to administrative procedure and review.

Was called from the Consent Calendar and taken up.

On motion of Senator Ridgeway, **SB 1146** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 845, introduced by Senator Kennedy, et al, entitled:

An Act to repeal section 351.488, RSMo, and to enact in lieu thereof one new section relating to corporate dissolution due to military service.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 845** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators	
Green	Klindt—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 804, introduced by Senator Gross, entitled:

An Act to repeal section 506.150, RSMo, and to enact in lieu thereof one new section relating to service of summons and petitions in civil actions.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 804** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators	
Barnitz	Crowell Klindt—3

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 725, introduced by Senator Bray, et al, entitled:

An Act to repeal section 311.325, RSMo, and to enact in lieu thereof one new section relating to culinary students who taste, but do not consume, certain alcoholic beverages for instructional purposes, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 725** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1045, introduced by Senator Goodman, entitled:

An Act to repeal section 516.090, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain actions involving land held by a public utility.

Was called from the Consent Calendar and taken up.

Senator Gross assumed the Chair.

On motion of Senator Goodman, **SB 1045** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1208, introduced by Senator Koster, entitled:

An Act to repeal section 351.090, RSMo, and to enact in lieu thereof one new section relating to amendments to articles of incorporation for corporations.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 1208** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 878, with **SCS**, introduced by Senator Champion, entitled:

An Act to repeal section 210.482, RSMo, and to enact in lieu thereof one new section relating to child protection.

Was called from the Consent Calendar and taken up.

SCS for **SB 878**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 878

An Act to repeal section 210.482, RSMo, and to enact in lieu thereof one new section relating to

child protection.

Was taken up.

Senator Champion moved that **SCS** for **SB 878** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 878** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Koster assumed the Chair.

SB 1221, with **SCS**, introduced by Senator Goodman, entitled:

An Act to repeal section 570.040, RSMo, and to enact in lieu thereof one new section relating to stealing.

Was called from the Consent Calendar and taken up.

SCS for **SB 1221**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1221

An Act to repeal section 570.040, RSMo, and to enact in lieu thereof one new section relating to stealing, with penalty provisions.

Was taken up.

Senator Shields assumed the Chair.

Senator Goodman moved that **SCS** for **SB 1221** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 1221** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senator Days—1

Absent—Senator Green—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 980, introduced by Senator Clemens, entitled:

An Act to repeal sections 335.212 and

335.233, RSMo, and to enact in lieu thereof two new sections relating to the nursing student loan program.

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 980** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1085, introduced by Senator Kennedy, et al, entitled:

An Act to repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to students self-administering medication.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 1085** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green	Klindt—2
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1084, introduced by Senator Gibbons, entitled:

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the sunset provision of the healthcare for uninsured children program.

Was called from the Consent Calendar and taken up.

On motion of Senator Gibbons, **SB 1084** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

SB 1247, introduced by Senator Vogel, entitled:

An Act to repeal section 303.415, RSMo, and to enact in lieu thereof one new section relating to extending the sunset clause on the motorist insurance identification database program, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 1247** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 952, introduced by Senator Goodman, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 952** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Klindt	Purgason	Ridgeway—3
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1189, introduced by Senator Gibbons, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the holocaust education and awareness commission.

Was called from the Consent Calendar and taken up.

Senator Gross assumed the Chair.

On motion of Senator Gibbons, **SB 1189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senator Barnitz—1

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1124, introduced by Senator Shields, entitled:

An Act to repeal sections 334.660, 337.510, and 337.615, RSMo, and to enact in lieu thereof three new sections relating to licensing of certain professionals.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 1124** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Klindt Purgason Ridgeway—3

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1060, with **SCS**, introduced by Senator Kennedy, et al, entitled:

An Act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 1060**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1060

An Act to repeal sections 143.1004 and 143.1005, RSMo, and to enact in lieu thereof two new sections relating to contribution designations for certain funds on state income tax return forms.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 1060** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 1060** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman Klindt—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1122, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to conveyance of land by the board of governors of Missouri Western State University.

Was called from the Consent Calendar and taken up.

SCS for **SB 1122**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1122

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to conveyance of land by the board of governors of certain state universities.

Was taken up.

Senator Scott assumed the Chair.

Senator Shields moved that **SCS** for **SB 1122** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 1122** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1086, with **SCS**, introduced by Senator Kennedy, et al, entitled:

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 1086**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1086

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers, with an emergency clause.

Was taken up.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting on the adoption of the **SCS**, third reading of the bill and the adoption of the emergency clause.

Senator Kennedy moved that **SCS** for **SB 1086** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 1086** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Excused from voting—Senator Wilson—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Excused from voting—Senator Wilson—1

Vacancies—1

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1130, introduced by Senator Green, entitled:

An Act to repeal section 79.365, RSMo, relating to boards of fourth class cities.

Was called from the Consent Calendar and taken up.

On motion of Senator Green, **SB 1130** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1175, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for community center development.

Was called from the Consent Calendar and taken up.

SCS for **SB 1175**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1175

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for community center development.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 1175** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 1175** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1094, introduced by Senator Champion, entitled:

An Act to repeal sections 71.790, 71.796, and 71.798, RSMo, and to enact in lieu thereof three new sections relating to special business districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 1094** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Green	Kennedy	Klindt—3
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1101, introduced by Senator Griesheimer, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest tax for funding the promotion of tourism.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 1101** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway

Scott
Wilson—29

Shields

Stouffer

Vogel

Absent with leave—Senator Wheeler—1

Vacancies—1

NAYS—Senators—None

Absent—Senators

Green

Kennedy

Klindt—3

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1207, introduced by Senator Mayer, entitled:

An Act to repeal section 67.547, RSMo, and to enact in lieu thereof one new section relating to sales tax imposed in counties.

Was called from the Consent Calendar and taken up.

Senator Shields assumed the Chair.

On motion of Senator Mayer, **SB 1207** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green

Klindt—2

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1177, introduced by Senator Callahan, entitled:

An Act to repeal section 193.065, RSMo, and to enact in lieu thereof one new section relating to local registrars.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 1177** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Callahan, title to the bill

was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 568, with **SCS**, introduced by Senator Dougherty, et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the children's environmental health and protection advisory council.

Was called from the Consent Calendar and taken up.

SCS for **SB 568**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 568

An Act to repeal section 701.302, RSMo, and to enact in lieu thereof three new sections relating to the children's environmental health and protection advisory council.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 568** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 568** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green Ridgeway—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1117, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal section 208.792, RSMo, and to enact in lieu thereof one new section relating to the Missouri Rx plan advisory commission.

Was called from the Consent Calendar and taken up.

SCS for **SB 1117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1117

An Act to repeal sections 208.784 and 208.792, RSMo, and to enact in lieu thereof two new sections relating to the Missouri Rx plan advisory commission.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 1117** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 1117** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green Loudon—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1155, introduced by Senator Stouffer, entitled:

An Act to repeal section 197.291, RSMo, and to enact in lieu thereof one new section relating to the technical advisory committee on the quality of patient care and nursing practices.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 1155** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green Loudon—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1206, introduced by Senator Mayer, entitled:

An Act to repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 1206** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Green Klindt Loudon—3

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 925, with **SCS**, introduced by Senator Cauthorn, entitled:

An Act to repeal sections 260.200, 260.262, 260.380, and 260.391, RSMo, and to enact in lieu thereof four new sections relating to hazardous waste.

Was called from the Consent Calendar and taken up.

SCS for **SB 925**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 925

An Act to repeal sections 260.200, 260.262, 260.273, 260.380, and 260.391, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 925** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 925** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Green	Klindt	Loudon—3
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1017, introduced by Senator Clemens, entitled:

An Act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof three new sections relating to the state milk board.

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 1017** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Green	Klindt	Loudon—3
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by

which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1216, introduced by Senator Goodman, entitled:

An Act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 1216** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green Klindt—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1057, introduced by Senator Loudon,

entitled:

An Act to repeal section 430.225, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

Was called from the Consent Calendar and taken up.

Senator Koster assumed the Chair.

On motion of Senator Loudon, **SB 1057** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green Klindt—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution

No. 2529, regarding Nathan Conrad-Lee Davis, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2530, regarding Joshua Spencer Neeley, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2531, regarding Kevin Marshall Brown, Kansas City, which was adopted.

Senator Alter offered Senate Resolution No. 2532, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert J. Schnapp, Arnold, which was adopted.

Senator Gibbons offered Senate Resolution No. 2533, regarding the Missouri Community College Association/Phi Theta Kappa's All-Missouri Academic Teams, which was adopted.

Senator Crowell offered Senate Resolution No. 2534, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ettel Hasty, Vanduser, which was adopted.

Senator Crowell offered Senate Resolution No. 2535, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl Reisenbichler, Pocahontas, which was adopted.

Senator Crowell offered Senate Resolution No. 2536, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gilbert Triller, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2537, regarding the Sikeston Family Clinic, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Becky Berger, thirteen third and fourth grade students and adults from Immaculate Conception, Macon.

Senator Vogel introduced to the Senate, Eddie Crouse, Jefferson City; and Eddie was made an honorary page.

Senator Green introduced to the Senate, his father, John Green, St. Louis.

Senator Cauthorn introduced to the Senate, Maresa Brown, Brandon Inman, Jessica Darr, Cassy Smith, Cassie Foubester, Alyssa Lewellen and April Luebrecht, students from Hannibal High School.

Senator Loudon introduced to the Senate, Alex Stanley, Creve Couer; and Alex was made an honorary page.

Senator Mayer introduced to the Senate, Jack Short, Kennett.

Senator Kennedy introduced to the Senate, Judy Dirkers, Andrea Vena, and Barry Freedman, St. Louis.

Senator Loudon introduced to the Senate, fourth grade students from St. John's Lutheran School, St. Louis.

On behalf of Senator Alter and himself, Senator Kennedy introduced to the Senate, Shannon Weber, Steve and Pat Markus and John Stanfield, St. Louis.

Senator Bray introduced to the Senate, Laura Bradarich, Kingsley Hoeman, Doris and Don Michel, Charity Sherrington, Pat and Tom Stockdale and Marilyn Teitelbaum, St. Louis.

Senator Cauthorn introduced to the Senate, Candy Parker, Mexico.

Senator Cauthorn introduced to the Senate, Darby and Kim Brundage, Jefferson City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIFTH DAY—WEDNESDAY, MARCH 29, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1432

HB 1437-Threlkeld

HB 1601-Weter, et al

HB 998-Smith (118)

HB 1687-Wright (137), et al

HB 1722-Sutherland, et al

HB 1732-Fraser, et al

THIRD READING OF SENATE BILLS

SB 822-Gross

SENATE BILLS FOR PERFECTION

- | | |
|--|-------------------------------------|
| 1. SBs 905 & 910-Engler, with SCS | 10. SB 895-Engler, with SCS |
| 2. SB 1104-Cauthorn and Klindt, with SCS | 11. SB 1081-Clemens, with SCS |
| 3. SB 1066-Klindt | 12. SB 912-Goodman, et al, with SCS |
| 4. SB 696-Nodler and Crowell | 13. SJR 31-Ridgeway and Shields |
| 5. SB 1002-Mayer, with SCS | 14. SB 1049-Shields, with SCS |
| 6. SB 882-Engler, with SCS | 15. SB 1041-Gibbons, with SCS |
| 7. SB 1072-Loudon | 16. SB 1058-Loudon |
| 8. SB 642-Scott | 17. SB 969-Stouffer, with SCS |
| 9. SB 841-Ridgeway, et al, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS

SB 589-Bartle

SB 596-Days	SB 825-Koster, et al, with SCS
SBs 613, 1030 & 899-Engler and Crowell, with SCS	SB 832-Griesheimer, with SCS
SB 617-Koster, with SCS	SRB 848-Bartle, with SCS
SB 635-Cauthorn	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 637-Cauthorn, et al, with SCS	SB 892-Scott, with SCS
SB 643-Scott	SB 894-Nodler, et al, with SCS
SB 646-Griesheimer, with SCS	SB 901-Shields
SBs 665 & 757-Engler, with SCS	SB 938-Stouffer
SB 689-Scott	SB 953-Engler, et al, with SCS
SB 690-Champion, with SCS	SB 976-Gibbons, with SCS
SB 718-Crowell and Mayer, with SCS	SBs 1014 & 730-Scott and Gibbons, with SCS, SS for SCS, SA 1 & SSA 3 for SA 1 (pending)
SB 778-Ridgeway, et al	SBs 1031 & 846-Klindt, with SCS
SB 780-Klindt	SB 1037-Mayer
SB 798-Nodler, with SCS	SB 1064-Stouffer, with SCS
SB 816-Griesheimer and Coleman, with SCS & SS for SCS (pending)	SJR 26-Ridgeway and Graham
SB 817-Scott, et al	
SB 820-Koster, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/9

SB 1080-Coleman

SB 1003-Mayer, with SCS#2

Reported 3/15

SB 1197-Wheeler and Champion

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days

SCR 29-Graham

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial
✓

Journal

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY—WEDNESDAY, MARCH 29, 2006

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

"If we really want to pray, we have to give time to learning its lessons." (Mother Mary Clare)

Almighty God, we sometimes hurry over words, state platitudes, and believe our prayers are finished. But, when we pray, help us take the time to learn the lessons that come from praying by discovering ourselves as we truly are before You and grow towards maturity that deepens our relationship with You so that what we do and say reflects Your will for our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2538, regarding Charles K. Light, II, Kearney, which was adopted.

Senator Wilson offered Senate Resolution No. 2539, regarding the Lincoln University Women's Indoor Track and Field Team, which was adopted.

Senator Goodman offered Senate Resolution No. 2540, regarding the Mt. Vernon High School Boys Basketball Team, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2541, regarding Kathleen J. "Kathy" Smith, Louisiana, which was adopted.

Senator Cauthorn offered Senate Resolution

No. 2542, regarding Jason Gette, Middletown, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2543, regarding John Hampton, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2544, regarding Joyce Graver, Bowling Green, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1432—Financial and Governmental Organizations and Elections.

HB 1437—Aging, Families, Mental and Public Health.

HB 1601—Aging, Families, Mental and Public Health.

HB 998—Economic Development, Tourism and Local Government.

HB 1687—Aging, Families, Mental and Public Health.

HB 1722—Agriculture, Conservation, Parks and Natural Resources.

HB 1732—Education.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1180**, entitled:

An Act to repeal section 167.231, RSMo, and to enact in lieu thereof one new section relating to student transportation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1339**, entitled:

An Act to repeal sections 339.010, 339.040, and 339.100, RSMo, and to enact in lieu thereof three new sections relating to real estate brokers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1392**, entitled:

An Act to repeal section 332.311, RSMo, and to enact in lieu thereof one new section relating to dental hygienist.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SB 822, introduced by Senator Gross, entitled:

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause.

Was taken up.

On motion of Senator Gross, **SB 822** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler Purgason Ridgeway Scott
 Shields Stouffer Vogel Wheeler
 Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1197, introduced by Senators Wheeler and Champion, entitled:

An Act to repeal section 431.068, RSMo, and to enact in lieu thereof one new section relating to

persons donating blood.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **SB 1197** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Ridgeway moved that **SB 778** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 778, Page 3, Section 306.030, Line 83, by striking the word “\$55.00” and inserting in lieu thereof the following:

“\$35.00”.

Senator Griesheimer moved that the above amendment be adopted.

Senator Callahan offered **SSA 1 for SA 1:**

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 778, Page 3, Section 306.030, Lines 81 to 86, by striking all of the opening and closing brackets and all bolded language appearing on said lines; and

further amend said bill, section 306.185, page 4, line 3, by inserting immediately after the word “306.030” the following: **“and sections 1 to 3”**; and

further amend said bill, section, and page, line 21 by inserting after all of said line the following:

“Section 1. 1. Whenever the creation of a water safety district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner;

(2) The name and address of each respondent;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of the purpose for which the tax shall be levied;

(5) The name of the proposed district;

(6) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(7) A statement that the terms of office of

initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(8) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a water safety district to fund the Missouri State Water Patrol Fund created in section 306.185, RSMo.;

(9) A request that the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; and

(10) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

Section 2. 1. If the circuit court certifies the petition for voter approval, it shall call an election.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a water safety district, to be known as the “..... Water Safety District” for the purpose of funding the Missouri State Water Patrol Fund for activities conducted by the state water patrol within the district and have the power to fund such activities upon separate voter approval by the imposition of an additional real property tax?

3. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission. If the results show that a majority of the votes cast by the qualified voters

were in favor of organizing the water safety district, the circuit court having jurisdiction of the matter shall declare the district organized and certify the funding method approved by the qualified voters. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

Section 3. 1. Any district created under sections 1 and 2, may levy for water safety purposes in addition to the limits prescribed in article X of the constitution a rate of taxation on all real property subject to its taxing powers in an amount as now or hereafter prescribed by law; and may, upon compliance with the provisions of subsection 2 of this section, levy an additional tax, annually, on all taxable property in such district. Such district may submit the question to the voters.

2. The question shall be submitted in substantially the following form:

Shall the (name of water safety district) be authorized to levy a cent tax for the purposes of funding the Missouri State Water Patrol Fund for activities conducted by the state water patrol within the district?

3. If a majority of all of the votes cast on the question is for the proposed grant of authority to levy tax, the district may thereafter annually levy a tax within the limitation of the authority granted, the tax to be collected in like manner with other taxes for political subdivisions.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Shields raised the point of order that **SSA 1 for SA 1** is out of order in that it is not a true substitute, and further, that it goes beyond the scope of the bill.

The point of order was referred to the

President Pro Tem who ruled it well taken.

SA 1 was again taken up.

Senator Bartle assumed the Chair.

Senator Scott assumed the Chair.

Senator Shields assumed the Chair.

Senator Koster assumed the Chair.

Senator Griesheimer moved that the above amendment be adopted, which motion failed.

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 778, Page 4, Section 306.185, Line 8, by inserting an opening bracket “[” after the word “expense” as it appears the second time and further by inserting a closing bracket “]” on line 10, page 4 after the word “patrol”.

Senator Gross moved that the above amendment be adopted.

Senator Mayer assumed the Chair.

Senator Green offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Bill No. 778, Page 4, Section 306.030, Lines 91-96, by striking all of said lines; and

further amend section 306.185, page 4, lines 1-21 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

Senator Crowell assumed the Chair.

Senator Ridgeway requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2**. She was joined in her request by Senators Clemens, Coleman, Green and Shields.

SSA 1 for **SA 2** failed of adoption by the

following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Gross
Kennedy	Klindt	Mayer	Wheeler

Wilson—13

NAYS—Senators

Alter	Barnitz	Bartle	Cauthorn
Clemens	Crowell	Engler	Gibbons
Goodman	Loudon	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer

Vogel—17

Absent—Senators

Champion Griesheimer Koster—3

Absent with leave—Senators—None

Vacancies—1

SA 2 was again taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 778, Page 4, Section 306.185, Line 21, by inserting immediately after said line the following:

“5. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January first of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway moved that **SB 778**, as amended, be declared perfected and ordered

printed.

Senator Green requested a roll call vote be taken on the perfection of **SB 778**, as amended. He was joined in his request by Senators Ridgeway, Wilson, Bray and Callahan.

SB 778, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Cauthorn
Clemens	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Nodler
Ridgeway	Scott	Shields	Stouffer

Vogel Wheeler—18

NAYS—Senators

Bartle	Callahan	Champion	Coleman
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Loudon	Mayer

Wilson—13

Absent—Senators

Koster Purgason—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 2545, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Kenneth Shinn, Osceola, which was adopted.

Senator Scott offered Senate Resolution No. 2546, regarding Dr. Tammy Condren, Polk County, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the

House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1559**, entitled:

An Act to repeal section 192.081, RSMo, and to enact in lieu thereof one new section relating to donation of food.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 637**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 637**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 637

An Act to repeal sections 334.010 and 334.260, RSMo, and to enact in lieu thereof seven new sections relating to the practice of midwifery, with penalty provisions.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 637** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 637, Page 3, Section 324.1230, Lines 6-7, by striking the following: “, not to exceed one hundred dollars per year of licensure”; and further amend line 10 by striking the word “three” and inserting in lieu thereof the following: “two”.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 637, Section 324.1240, Page 8, Lines 75 to 83, by deleting all of said lines and inserting in lieu thereof the following:

“7. No person other than the licensed direct-entry midwife who provided care to the client shall be liable for the direct-entry midwife’s negligent or willful and wanton acts or omissions. No licensed physician, certified nurse midwife, licensed nurse, hospital, emergency medical technicians licensed under chapter 190 RSMo, or agents thereof, shall be liable for any acts of any direct-entry midwife, except for their own subsequent and independent negligent or willful and wanton acts or omissions.”

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 637, Page 3, Section 324.1230, Line 13, by striking the word “three” and inserting in lieu thereof the following: “two”.

Senator Cauthorn moved that the above amendment be adopted.

On motion of Senator Cauthorn, **SB 637**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

Senator Stouffer moved that **SB 938** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 938, Page 9, Section 227.648, Line 8, by striking “8.282” and inserting in lieu thereof the following: “8.285”.

Senator Cauthorn moved that the above

amendment be adopted, which motion prevailed.

SB 938, as amended, was declared perfected and ordered printed.

At the request of Senator Engler, **SB 905** and **SB 910**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Cauthorn, **SB 1104**, with **SCS**, was placed on the Informal Calendar.

SB 1066 was placed on the Informal Calendar.

At the request of Senator Nodler, **SB 696** was placed on the Informal Calendar.

Senator Mayer moved that **SB 1002**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1002**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1002

An Act to repeal sections 644.584, 644.585, and 644.586, RSMo, and to enact in lieu thereof four new sections relating to drainage districts.

Was taken up.

Senator Mayer moved that **SCS** for **SB 1002** be adopted, which motion failed.

SB 1002 was again taken up.

On motion of Senator Mayer, **SB 1002**, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 778** and **SB 938**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

COMMUNICATIONS

Senator Shields submitted the following:

March 29, 2006

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler:

Please accept this letter as my request to be removed from all caucuses that I am currently a member. These caucuses include those approved by the Senate Rules, Joint Rules, Resolutions and Ethics Committee and the House Committee on Ethics.

Thank you for your attention to this matter and please contact me if you have any further questions.

Sincerely,

/s/ Charlie

Charles W. Shields

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Carolyn Kelsay and Nancy Morrow, Clinton.

Senator Engler introduced to the Senate, Ron LaPlant, Farmington.

Senator Cauthorn introduced to the Senate, Emmy Crowdis, Mexico.

Senator Ridgeway introduced to the Senate, members and staff of the Missouri Water Patrol.

Senator Goodman introduced to the Senate, Coach Skip Brock and members of the Mt. Vernon High School Boys Basketball Team; and representatives of the Mt. Vernon Teenage Republicans from Mt. Vernon High School.

Senator Goodman introduced to the Senate, Principal Jana Wilson, Roger Ball and students from Robinson Jr. High School, Aurora.

Senator Shields introduced to the Senate, Ross

Balano and Kevin Torres, Phillip Balano, Alex Gavin and Brianna Shumate, eighth grade students from St. Therese Elementary School, Parkville; and Kevin, Phillip, Alex and Brianna were made honorary pages.

Senator Wilson introduced to the Senate, Coach Victor Thomas and Nandelle Cameron, Kelly Marshall, Jamika Martell, Nikita McCree, Nessa Paul, Jody-Ann Powell, Davita Prendergast, Karen Robinson, Kerry-Ann Robinson, Meleshia Spencer, Carla Thomas and Janie Thomas, members of the Lincoln University Lady Blue Tigers Indoor Track and Field Team, NCAA Division II Indoor Track and Field Champions.

Senator Kennedy introduced to the Senate, Frank J. Ziegler, St. Louis.

Senator Stouffer introduced to the Senate, Jerry and Mary Armstrong, Mountain Grove.

Senator Kennedy introduced to the Senate, Little Miss Missouri, Emily Bray, her mother, Michelle, her brother, Dalton and Reiko McDaniel, St. Louis.

Senator Gibbons introduced to the Senate, Dr. C. Mobin Kahn, M.D., his wife, Kanwal and their children, Imad and Haris, St. Louis; and Imad and Haris were made honorary pages.

Senator Cauthorn introduced to the Senate, Kelly Nelson, Novelty.

Senator Loudon introduced to the Senate, Ali and Chandler Dalton, Town and Country; and Ali and Chandler were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY—THURSDAY, MARCH 30, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1180

HB 1392-Behnen

HCS for HB 1339

HCS for HB 1559

THIRD READING OF SENATE BILLS

SB 778-Ridgeway, et al

SB 938-Stouffer

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|------------------------------------|
| 1. SB 882-Engler, with SCS | 7. SB 912-Goodman, et al, with SCS |
| 2. SB 1072-Loudon | 8. SJR 31-Ridgeway and Shields |
| 3. SB 642-Scott | 9. SB 1049-Shields, with SCS |
| 4. SB 841-Ridgeway, et al, with SCS | 10. SB 1041-Gibbons, with SCS |
| 5. SB 895-Engler, with SCS | 11. SB 1058-Loudon |
| 6. SB 1081-Clemens, with SCS | 12. SB 969-Stouffer, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 566-Dougherty, et al, with SCS | SB 820-Koster, with SCS |
| SB 589-Bartle | SB 825-Koster, et al, with SCS |
| SB 596-Days | SB 832-Griesheimer, with SCS |
| SBs 613, 1030 & 899-Engler and Crowell,
with SCS | SRB 848-Bartle, with SCS |
| SB 617-Koster, with SCS | SB 849-Mayer, et al, with SS, SA 6 & SA 1
to SA 6 (pending) |
| SB 635-Cauthorn | SB 892-Scott, with SCS |
| SB 637-Cauthorn, et al, with SCS &
SA 3 (pending) | SB 894-Nodler, et al, with SCS |
| SB 643-Scott | SB 901-Shields |
| SB 646-Griesheimer, with SCS | SBs 905 & 910-Engler, with SCS |
| SBs 665 & 757-Engler, with SCS | SB 953-Engler, et al, with SCS |
| SB 689-Scott | SB 976-Gibbons, with SCS |
| SB 690-Champion, with SCS | SBs 1014 & 730-Scott and Gibbons, with
SCS, SS for SCS, SA 1 & SSA 3 for
SA 1 (pending) |
| SB 696-Nodler and Crowell | SBs 1031 & 846-Klindt, with SCS |
| SB 718-Crowell and Mayer, with SCS | SB 1037-Mayer |
| SB 780-Klindt | SB 1064-Stouffer, with SCS |
| SB 798-Nodler, with SCS | SB 1066-Klindt |
| SB 816-Griesheimer and Coleman, with SCS
& SS for SCS (pending) | SB 1104-Cauthorn and Klindt, with SCS |
| SB 817-Scott, et al | SJR 26-Ridgeway and Graham |

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/9

SB 1080-Coleman

SB 1003-Mayer, with SCS#2

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days

SCR 29-Graham

Unofficial

MISCELLANEOUS

REMONSTRANCE 1-Gross

T

Journal

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-SIXTH DAY—THURSDAY, MARCH 30, 2006

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

Thus says the Lord: "I will bind up the injured, and I will strengthen the weak." (Ezekiel 34:16)

Heavenly Father, we complete another week faced with a calendar that tells us seven weeks remain to complete what we need to get done. Thank You for being in the midst of what we are going through and providing the peace we need to heal our stress. Ride with us, we pray, as we return to those we love and serve and we ask that You use us to be Your healing presence to others in need of You. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 2547, regarding Jennifer Barchak, which was adopted.

Senator Dougherty offered Senate Resolution No. 2548, regarding the birth of Andrew William Voss, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 2549, regarding Barbara Bennett, M.Ed., St. Louis, which was adopted.

Senator Engler offered Senate Resolution No. 2550, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Doug Fitzgerald, Middlebrook, which was adopted.

Senator Scott offered Senate Resolution No.

2551, regarding Sarah K. Cox, Sedalia, which was adopted.

Senator Coleman offered Senate Resolution No. 2552, regarding the Boys and Girls Clubs of Missouri, which was adopted.

Senator Wilson offered Senate Resolution No. 2553, regarding the death of Anthony Adrell "Tony" Johnson, Jefferson City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, Ronald Wilson Reagan was born February 6, 1911 in Tampico, Illinois, in a five-room flat over a bakery, the second son of store clerk John Reagan and seamstress Nelle Reagan; and

WHEREAS, the Reagan family moved to Chicago's South Side, to Monmouth, and back to Tampico before settling in Dixon, Illinois; and

WHEREAS, Ronald Reagan spent seven summers working as a lifeguard at Dixon's Lowell Park, and is credited with saving 77 swimmers from drowning in the Rock River during that time; and

WHEREAS, Ronald Reagan graduated from Dixon High School, where he participated in drama, basketball, football, and track; and

WHEREAS, Ronald Reagan attended Eureka College in Eureka, Illinois, where he continued his participation in drama, football and track, and he was elected student body president; and

WHEREAS, Ronald Reagan graduated from Eureka College in 1932 with a Bachelor of Arts degree in social science and economics; and

WHEREAS, Ronald Reagan cast his first vote in a national presidential election in Dixon, in 1932; and

WHEREAS, in Europe during the 1980's, Ronald Reagan had a vision for Central and Eastern Europe that meant freedom from the Soviets; and

WHEREAS, Ronald Reagan supported the Solidarity of Poland as well as dissident movements in other countries behind the Iron Curtain; and

WHEREAS, Mr. Lech Walesa, winner of the 1983 Nobel Peace Prize and the President of Poland from 1990 to 1995, credits Ronald Reagan for building a bridge between those living under Communism and those living in freedom in the United States; and

WHEREAS, the Governor of the State of Illinois recently

honored Ronald Reagan by designating Interstate 88 between Sterling, Illinois and the Quad Cities as the "Ronald Reagan Memorial Highway"; and

WHEREAS, it is appropriate for the state of Missouri to join its sister state in honoring Ronald Wilson Reagan in a special way; and

WHEREAS, the construction of the new Mississippi River Bridge which will connect Missouri and Illinois, presents both states an opportunity to honor Ronald Reagan:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urges the Missouri Highways and Transportation Commission and the Illinois Department of Transportation to take the appropriate steps to designate the new Mississippi River Bridge which connects Missouri to Illinois in downtown St. Louis as the "Ronald Wilson Reagan Memorial Bridge"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Highways and Transportation Commission and the Secretary of the Illinois Department of Transportation.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 1002**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SB 778** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 938, introduced by Senator Stouffer, entitled:

An Act to amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships

transportation act, with penalty provisions.

Was taken up.

On motion of Senator Stouffer, **SB 938** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 905** and **SB 910**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 905 and 910, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 905 and 910

An Act to repeal section 383.105, RSMo, and to enact in lieu thereof ten new sections relating to medical malpractice insurance, with an expiration date for certain sections.

Was taken up.

Senator Engler moved that **SCS** for **SBs 905** and **910** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 905 & 910, Page 8, Section 383.450, Line 27, by inserting after all of said line the following:

“383.515. 1. There is hereby created within the department of insurance the “Health Care Stabilization Fund Feasibility Board”. The primary duty of the board is to determine whether a health care stabilization fund should be established in Missouri to provide excess medical malpractice insurance coverage for health care providers. As part of its duties, the board shall develop a comprehensive study detailing whether a health care stabilization fund is feasible within Missouri, or specified geographic regions thereof, or whether a health care stabilization fund would be feasible for specific medical specialties. The board shall analyze medical malpractice insurance data collected by the department of insurance under sections 383.105 to 383.106 and any other data the board deems necessary to its mission. In addition to analyzing data collected from the Missouri medical malpractice insurance market, the board may study the experience of other states that have established health care stabilization funds or patient compensation funds. If a health care stabilization fund is determined to be feasible within Missouri, the report shall also recommend to the general assembly how the fund should be structured, designed, and funded. The report may contain any other recommendations relevant to the establishment of a health care stabilization fund, including but not limited to, specific recommendations for any statutory or regulatory changes necessary for the

establishment of a health care stabilization fund.

2. The board shall consist of ten members. Other than the director, the house members and the senate members, the remainder of the board's members shall be appointed by the director of the department of insurance as provided for in this subsection. The board shall be composed of:

(1) The director of the department of insurance, or his or her designee;

(2) Two members of the Missouri senate appointed by the president pro tem of the senate with no more than one from any political party;

(3) Two members of the Missouri house of representatives appointed by the speaker of the house with no more than one member from any political party;

(4) One member who is licensed to practice medicine as a medical doctor who is on a list of nominees submitted to the director by an organization representing Missouri's medical society;

(5) One member who practices medicine as a doctor of osteopathy and who is on a list of nominees submitted to the director by an organization representing Missouri doctors of osteopathy;

(6) One member who is a licensed nurse in Missouri and who is on a list submitted to the director by an organization representing Missouri nurses;

(7) One member who is a representative of Missouri hospitals and who is on a list of nominees submitted to the director by an organization representing Missouri hospitals; and

(8) One member who is a physician and who is on a list submitted to the director by an organization representing family physicians in the state of Missouri.

3. The director shall appoint the members of the board, other than the general assembly members, no later than January 1, 2007. Once appointed, the board shall meet at least quarterly, and shall submit its final report and recommendations regarding the feasibility of a health care stabilization fund to the governor and the general assembly no later than December 31, 2010. The board shall also submit annual interim reports to the general assembly regarding the status of its progress.

4. The board shall have the authority to convene conferences and hold hearings. All conferences and hearings shall be held in accordance with chapter 610, RSMo.

5. The director of the department of insurance shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.

6. Board members shall receive no additional compensation but shall be eligible for reimbursement for expenses directly related to the performance of their duties.

7. The provisions of this section shall expire December 31, 2010.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Crowell offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 905 & 910, Page 8, Section 383.450, Line 27, by inserting immediately after said line the following:

“Section 1. The articles of association and the bylaws of any association created under the provisions of sections 383.010 to 383.040 shall:

(1) Specify and define the types of

assessments, including but not limited to initial, regular, operating, special, any other assessment to cover losses and expenses incurred in the operation of the association, or any other assessment to maintain or restore the association's assets, solvency, or surplus;

(2) Specify by type of assessment the assessments that shall apply to members, former members, or both members and former members of the association; and

(3) With respect to any assessment to cover losses and expenses incurred in the operation of the association and any assessment to maintain or restore the association's assets, solvency, or surplus specify:

(a) The exact method and criteria by which the amounts of each type of assessment are to be determined;

(b) The time in which the assessments must be paid;

(c) That such assessments shall be made without limitation as to frequency;

(d) The maximum amount of any single assessment; and

(e) That such assessments shall apply to members and former members.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 905 & 910, Page 1, Section A, Line 4, by inserting after all of said line the following:

“135.163. 1. For all tax years beginning on or after January 1, 2007, in order to encourage the retention of physicians and other health

care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2007.

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to

disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year.

5. The provisions of this section shall expire on December 31, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Engler moved that **SCS for SBs 905 and 910**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS for SBs 905 and 910** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 1080, introduced by Senator Coleman, entitled:

An Act to authorize the conveyance of property owned by the state known as the Midtown state office building to St. Louis University, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Coleman, **SB 1080** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

Stouffer Vogel Wheeler Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1003, with **SCS No. 2**, introduced by Senator Mayer, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS No. 2 for SB 1003, entitled:**SENATE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE BILL NO. 1003**

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS No. 2** for **SB 1003** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS No. 2** for **SB 1003** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 30**, as amended. With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 30, Journal Page 633, Line 13, by inserting after said line the following:

“BE IT FURTHER RESOLVED that the Missouri Department of Conservation and the Missouri Department of Natural Resources are requested to support the removal of boat dock provisions from the Shoreline Management Program proposed by Ameren UE as it is not the regulatory responsibility of either agency, and further acknowledging the protection of private property rights is important to all Missourians as well as all state agencies; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1145, 1359** and **1121**, entitled:

An Act to repeal section 135.096, RSMo, and to enact in lieu thereof one new section relating to an income tax deduction for long-term care insurance premiums.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1275**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the establishment of a virtual public school.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1521**, entitled:

An Act to repeal section 100.710, RSMo, and to enact in lieu thereof one new section relating to the Missouri business use incentive for large-scale development act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1380**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1026**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1302**, entitled:

An Act to repeal section 306.030, RSMo, and to enact in lieu thereof two new sections relating to the state water patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326**, entitled:

An Act to repeal sections 50.327, 50.339, 50.660, 52.230, 54.040, 59.331, 67.547, 67.797, 67.1003, 67.1360, 67.1806, 72.080, 100.050,

137.115, 138.010, 138.135, 139.100, 162.441, 177.091, 193.065, 228.040, 228.070, 228.190, 230.220, 260.830, 260.831, 321.200, 321.552, 479.020, 610.010, 644.584, 644.585, and 644.586, RSMo, and to enact in lieu thereof fifty-five new sections relating to political subdivisions, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1466**, entitled:

An Act to repeal sections 86.252, 86.253, and 86.255, RSMo, and to enact in lieu thereof four new sections relating to police retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 977**, entitled:

An Act to amend chapter 79, RSMo, by adding thereto one new section relating to elective officers in certain cities of the fourth classification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1059**, entitled:

An Act to repeal section 171.171, RSMo, and

to enact in lieu thereof one new section relating to school credit.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1192**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Scott moved that **SCR 30**, with **HCA 1**, be taken up for adoption, which motion prevailed.

HCA 1 was taken up.

Senator Scott moved that **HCA 1** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Scott moved that **SCR 30**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2554, regarding The History Museum for Springfield-Greene County, which was adopted.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1256—By Gross.

An Act to appropriate money for the expenses, grants, and distributions for several departments and offices of state government, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2006 and ending June 30, 2007.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Doug Chambers and Paden Boulden, Logan Chrislaw, Samantha Elliot, Lance Green, Ryan Roberts and Joe Terrell, members of Farm Bureau Youth Leadership, Fayette.

Senator Gibbons introduced to the Senate, Virginia Ertle, Hinsdale, Illinois; Elise Quealy and her children, Brendan, Tess and Amanda, Downers Grove, Illinois; and Ben Ertle, Columbia; and Ben, Brendan and Tess were made honorary pages.

Senator Days introduced to the Senate, Duron Witherspoon, St. Louis.

Senator Griesheimer introduced to the Senate, Sean Geisert, Steve Scheer, Kyle Steffens, Ashley Baker, and Warren Diermann, members of Farm Bureau Youth Leadership.

Senator Cauthorn introduced to the Senate, Kelsey Davis, Nichole Pollpeter, Peg Baine, Dasan Justice and Kay Campbell, members of Farm Bureau Youth Leadership.

Senator Klindt introduced to the Senate, Laura Riddle and Matt Ayers, Lacey Lorence, Cody Moore, Jessica Pearson, De Andra Jacobs, Stephanie Gillum, Kayla Ray and Joseph Riley, members of Farm Bureau Youth Leadership, Sullivan and Putnam Counties.

Senator Klindt introduced to the Senate, Keith Sutton, Dennelle Rhoades, Kari Youtsey, Amy Hudlemeyer and Mike Foster, members of Farm Bureau Youth Leadership, Daviess County.

Senator Klindt introduced to the Senate, Melissa Cox, Pamela Gard, Jacob Bottcher, Dallas Frame, Sue-Ellen Kern and Justin Findley, members of Farm Bureau Youth Leadership, Bethany.

Senator Clemens introduced to the Senate, Rick Huffman and Wes Miles, Chelsea Kensinger, Morgan Kindall and Tanner Clark, members of Farm Bureau Youth Leadership.

Senator Stouffer introduced to the Senate, Benjy Heins, Higginsville.

Senator Goodman introduced to the Senate, Boyd Arthur, Retah Arthur and Nikie Cavener, Grant Hatfield, Takisha Wethington, Jennie Damrill and Donnie Estes, members of Farm Bureau Youth Leadership, Lawrence County.

Senator Mayer introduced to the Senate, Becky and Gary Branum, Trevor Williams, Mindy Wolford, Sam Burke and Elizabeth Branum, members of Farm Bureau Youth Leadership.

Senator Nodler introduced to the Senate, Tyler Rush and Emily Tubaugh, Jasper.

Senator Barnitz introduced to the Senate, Bill Waddill, Charlie Cobb and Whitney Noltensmeyer, Luella Fischer, Katie Keathley, Ed Cope, Jordon Beshears and Kaley Cobb, members of Farm Bureau Youth Leadership, Montgomery County.

Senator Purgason introduced to the Senate, Douglas Melton, Natalie Williams, Elizabeth Simpson, Sarah and Katy Rowe and Dave Crews, members of Farm Bureau Youth Leadership, Oregon County.

Senator Gross introduced to the Senate, Megan Layton and Diane Tower, St. Charles.

Senator Klindt introduced to the Senate, Mike Tipton, Kiley Slater, Misty Sharp and Cara Ricketts, members of Farm Bureau Youth Leadership, Trenton.

Senator Graham introduced to the Senate, Pat Brown, Columbia.

Senator Cauthorn introduced to the Senate, Barb Wilson, Bea Erisman, Janis Deimeke, Dave Miller and Melanie Lowry, Mary Leykamp, Kristi Erisman, Jeff McBride, Lindsey Haverstick and Devon Browne, members of Farm Bureau Youth Leadership, Audrain County.

Senator Cauthorn introduced to the Senate, Donna O'Brien, Amanda Powell, Amanda Mills and Kimberly Elsea, members of Farm Bureau

Youth Leadership, Adair and Schuyler Counties.

Senator Cauthorn introduced to the Senate, Megan Morgan, Michael Mott and Brandon Salmons, members of Farm Bureau Youth Leadership, Monroe County.

Senator Scott introduced to the Senate, Paige Wakefield, Sarah Eldenburg, Erin Cloud, Sophia Marsh, Allison and Debbie Cormican and Kelley Bergman, fourth grade students and adults from Applewood Christian School, Sedalia.

Senator Scott introduced to the Senate, Lauren Tinney and Harvey Beach, Veronica Davis, Mallory Stringer, Kylie Picket, Patty Boehler, Don Bullock, Pamela Hickman, Jeff Kicker, Jaecy Akers, Andy Vickers, Jeff Stacy, Rose Bock, Misty Hughes, Kamber Lumley, Daniel Wisner, Brittney Wagner, Megan Kalberloh, Morgan Hadsall, Nicole Fisher, Christa Johnston, Kody Freeman, Carla Robertson and Deborah Coble, members of Farm Bureau Youth Leadership.

Senator Barnitz introduced to the Senate, Carolyn Winthorst, Ron Hardechke, Doratheia Koepke, and Becky Nowark, Becky Schneider, Jerod Fritzmeier, Kari Blankenship, Whitney Angell and Leah Edmondson, members of Farm Bureau Youth Leadership, Owensville.

Senator Barnitz introduced to the Senate, Darrell Skiles and Sarah Privett, Whitley Counts and Erin Hamby, members of Farm Bureau Youth Leadership, Salem.

Senator Barnitz introduced to the Senate, Kim Gibbs, Tyler Richter, Kyle Wallen, Emily Borgmann and Megan Woods, members of Farm Bureau Youth Leadership, Steelville.

Senator Koster introduced to the Senate, Mike Moreland and Monica Kelly, Jenna Crumby and Devin Heid, members of Farm Bureau Youth Leadership, Cass County.

Senator Koster introduced to the Senate, members of Farm Bureau Youth Leadership, Vernon County.

Senator Klindt introduced to the Senate, Josh Cauthorn, Hannah Bennett, Alissa Wattenbarger, Natalie Clevenger, Tim Johnson, Kyle Pittman, Dean Orr, R. Dale Schmidt, Amanda DeBay, Kourtnie Parks, Mary Davis, Xandria Colvin, Jamie Totten and Kyliegh Hein, members of Farm Bureau Youth Leadership.

Senator Goodman introduced to the Senate,

Duane Garey and Jesse Bright, Chelsie Moore, Josh Lewis, Amber Cartwright, Keshia Bunton-Nye and David Petersen, members of College Republicans, College of the Ozarks, Branson.

On motion of Senator Nodler, the Senate adjourned until 4:00 p.m., Monday, April 3, 2006.

SENATE CALENDAR

FORTY-SEVENTH DAY—MONDAY, APRIL 3, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1256-Gross

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1180

HCS for HB 1339

HB 1392-Behnen

HCS for HB 1559

HCS for HBs 1145, 1359 & 1121

HCS for HB 1275

HB 1521-Richard, et al

HCS for HB 1380

HCS for HB 1026

HB 1302-Cooper (155), et al

HCS for HBs 1030, 1033, 1146, 1225 & 1326

HB 1466-Daus

HCS for HB 977

HCS for HB 1059

HB 1192-Smith (118), et al

THIRD READING OF SENATE BILLS

SB 778-Ridgeway, et al (In Fiscal Oversight)

SB 1002-Mayer

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|------------------------------------|
| 1. SB 882-Engler, with SCS | 7. SB 912-Goodman, et al, with SCS |
| 2. SB 1072-Loudon | 8. SJR 31-Ridgeway and Shields |
| 3. SB 642-Scott | 9. SB 1049-Shields, with SCS |
| 4. SB 841-Ridgeway, et al, with SCS | 10. SB 1041-Gibbons, with SCS |
| 5. SB 895-Engler, with SCS | 11. SB 1058-Loudon |
| 6. SB 1081-Clemens, with SCS | 12. SB 969-Stouffer, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 566-Dougherty, et al, with SCS | SB 820-Koster, with SCS |
| SB 589-Bartle | SB 825-Koster, et al, with SCS |
| SB 596-Days | SB 832-Griesheimer, with SCS |
| SBs 613, 1030 & 899-Engler and Crowell,
with SCS | SRB 848-Bartle, with SCS |
| SB 617-Koster, with SCS | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 635-Cauthorn | SB 892-Scott, with SCS |
| SB 637-Cauthorn, et al, with SCS &
SA 3 (pending) | SB 894-Nodler, et al, with SCS |
| SB 643-Scott | SB 901-Shields |
| SB 646-Griesheimer, with SCS | SB 953-Engler, et al, with SCS |
| SBs 665 & 757-Engler, with SCS | SB 976-Gibbons, with SCS |
| SB 689-Scott | SBs 1014 & 730-Scott and Gibbons, with
SCS, SS for SCS, SA 1 & SSA 3 for
SA 1 (pending) |
| SB 690-Champion, with SCS | SBs 1031 & 846-Klindt, with SCS |
| SB 696-Nodler and Crowell | SB 1037-Mayer |
| SB 718-Crowell and Mayer, with SCS | SB 1064-Stouffer, with SCS |
| SB 780-Klindt | SB 1066-Klindt |
| SB 798-Nodler, with SCS | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with SCS
& SS for SCS (pending) | SJR 26-Ridgeway and Graham |
| SB 817-Scott, et al | |

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days

SCR 29-Graham

To be Referred

SCR 34-Loudon

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal

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Journal of the Senate

SECOND REGULAR SESSION

FORTY-SEVENTH DAY—MONDAY, APRIL 3, 2006

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“The State, in choosing men to faithfully serve it, take no notice of their opinions. If they be willing to serve it, that satisfies.”
(Oliver Cromwell, July 2, 1644)

Gracious God, we are thankful for our weekend to campaign or to rest. Bless us now as we work together, irregardless of our differing opinions, let us be servants of the state and seek to serve it the best we can. And we pray for the injured from this last severe storm, that You heal them; and for the families of those who died, that you comfort them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 30, 2006 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 2555, regarding the One Hundred Sixth Birthday of Frances Douglas, Chesterfield, which was adopted.

Senator Goodman offered Senate Resolution No. 2556, regarding the NAIA Division II Coach of the Year, Steve Shepherd, which was adopted.

Senator Purgason offered Senate Resolution No. 2557, regarding Judge Greg Kays and State Highway Patrolman Jason Riggs, which was adopted.

Senator Graham offered Senate Resolution No. 2558, regarding Tessa Vellek, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 2559, regarding Ben Askren, which was

adopted.

Senator Goodman offered Senate Resolution No. 2560, regarding the Eighty-sixth Birthday of Gretchen Cameron, Purdy, which was adopted.

Senator Goodman offered Senate Resolution No. 2561, regarding Courtney Lynn Sherwood, Branson, which was adopted.

Senator Shields offered Senate Resolution No. 2562, regarding the Xi Eta Chapter of Tau Kappa Epsilon, which was adopted.

Senator Stouffer offered Senate Resolution No. 2563, regarding Mr. and Mrs. William Robert Grimes, which was adopted.

Senator Gibbons offered Senate Resolution No. 2564, regarding the University of Missouri-St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 2565, regarding Carl J. DiCapo, Kansas City, which was adopted.

Senator Barnitz offered Senate Resolution No. 2566, regarding Courtney Hofstetter, St. James, which was adopted.

Senator Goodman offered Senate Resolution No. 2567, regarding Jennifer Wilson, Clever, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2568, regarding Virginia Grant, Union, which was adopted.

Senator Vogel offered Senate Resolution No. 2569, regarding the death of John Holmes, which was adopted.

Senator Vogel offered Senate Resolution No. 2570, regarding Charles D. Martin, Jefferson City, which was adopted.

Senator Callahan offered Senate Resolution No. 2571, regarding Paul A. White, Independence, which was adopted.

Senator Dougherty offered Senate Resolution No. 2572, regarding Martha Dolan Gregg, St.

Louis County, which was adopted.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 1256—Appropriations.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1180—Education.

HCS for HB 1339—Financial and Governmental Organizations and Elections.

HB 1392—Financial and Governmental Organizations and Elections.

HCS for HB 1559—Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 1145, 1359 & 1121—Ways and Means.

HCS for HB 1275—Education.

HB 1521—Economic Development, Tourism and Local Government.

HCS for HB 1380—Transportation.

HCS for HB 1026—Judiciary and Civil and Criminal Jurisprudence.

HB 1302—Ways and Means.

HCS for HBs 1030, 1033, 1146, 1225 & 1326—Economic Development, Tourism and Local Government.

HB 1466—Pensions, Veterans' Affairs and General Laws.

HCS for HB 977—Economic Development, Tourism and Local Government.

HCS for HB 1059—Education.

HB 1192—Agriculture, Conservation, Parks and Natural Resources.

President Pro Tem Gibbons assumed the

Chair.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1103**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 788**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1188**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1236**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 904**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1102**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 924**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 874**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 913**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1229**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 567** and **SB 792**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 32**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 2363**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 905** and **910**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 770**, begs leave to report that it has considered the same and recommends

that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1023**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1157**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1038**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 862**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 736**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1114**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 1239** and **SB 1091**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 1210**, **SB 1244** and **SB 844**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 961**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1027**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Gibbons referred **SCS** for

SBs 905 and **910** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **SCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 816**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Scott assumed the Chair.

SS for **SCS** for **SB 816** was again taken up.

At the request of Senator Griesheimer, **SS** for **SCS** for **SB 816** was withdrawn.

Senator Griesheimer offered **SS No. 2** for **SCS** for **SB 816**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 816

An Act to amend chapter 67, RSMo, by adding thereto seven new sections relating to the fair competition in video act.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 816** be adopted.

At the request of Senator Griesheimer, **SB 816**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1244**, entitled:

An Act to repeal section 324.409, RSMo, and

to enact in lieu thereof one new section relating to interior designers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1256**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Rosa Parks Day in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1440**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to the cervical cancer awareness and treatment program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1446**, entitled:

An Act to repeal section 414.365, RSMo, and to enact in lieu thereof one new section relating to biodiesel fuel use in department of transportation

vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1449**, entitled:

An Act to repeal section 168.133, RSMo, and to enact in lieu thereof one new section relating to background checks for teachers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1494**, entitled:

An Act to repeal section 327.391, RSMo, and to enact in lieu thereof two new sections relating to licensing of engineers and professional land surveyors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1508**, entitled:

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof four new sections relating to fire departments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1509**, entitled:

An Act to repeal section 320.202, RSMo, and to enact in lieu thereof one new section relating to the division of fire safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1515**, entitled:

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1551**, entitled:

An Act to repeal sections 328.115 and 329.045, RSMo, and to enact in lieu thereof two new sections relating to barber and cosmetology establishments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HB 1715**, entitled:

An Act to repeal sections 351.295, 351.355, and 351.455, RSMo, and to enact in lieu thereof three new sections relating to corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1759**, entitled:

An Act to repeal sections 334.706, 334.708, 334.715, and 334.721, RSMo, and to enact in lieu thereof four new sections relating to athletic trainers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1833**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state invertebrate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1857**, entitled:

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to

commencement of prosecution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1037**, entitled:

An Act to repeal sections 260.360 and 260.800, RSMo, and to enact in lieu thereof two new sections relating to environmental control.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1099**, entitled:

An Act to repeal section 192.667, RSMo, and to enact in lieu thereof one new section relating to nosocomial infection reporting requirements for health care providers, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1144**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the

official state grass.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1149**, entitled:

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof five new sections relating to water pollution control bonds and public utility equipment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1477**, entitled:

An Act to repeal section 191.317, RSMo, and to enact in lieu thereof one new section relating to genetics and metabolic disease programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1504**, entitled:

An Act to repeal sections 376.961, 379.860, and 383.175, RSMo, and to enact in lieu thereof three new sections relating to insurance board membership.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1577**, entitled:

An Act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof three new sections relating to the state milk board.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 1617 and 1374**, entitled:

An Act to repeal section 537.347, RSMo, and to enact in lieu thereof one new section relating to landowner liability.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1739**, entitled:

An Act to repeal sections 30.800, 30.810, 30.820, 30.830, 30.840, 30.850, and 348.015, RSMo, and to enact in lieu thereof seven new sections relating to agricultural property loans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS for HB 1762**, entitled:

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled license plates, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1858**, entitled:

An Act to amend chapter 56, RSMo, by adding thereto one new section relating to prosecuting and circuit attorneys' power to dismiss charges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1988**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official game animal of Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Lonnie and Vicky Owens and their children, Aaron, Ashton and Autumn, Fair Grove.

Senator Days introduced to the Senate, Lillian
Brooks Williams.

On motion of Senator Shields, the Senate
adjourned under the rules.

SENATE CALENDAR

FORTY-EIGHTH DAY—TUESDAY, APRIL 4, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1244	HB 1857-Lipke
HCS for HB 1256	HCS for HB 1037
HCS for HB 1440	HCS for HB 1099
HB 1446-Whorton, et al	HB 1144-May, et al
HCS for HB 1449	HCS for HB 1149
HB 1494-Emery, et al	HB 1477-Schaaf
HCS for HB 1508	HB 1504-Yates
HB 1509-Bruns and Wildberger	HB 1577-Pollock, et al
HCS for HB 1515	HCS for HBs 1617 & 1374
HCS for HB 1551	HCS for HB 1739
HB 1715-Pratt	HCS for HB 1762
HCS for HB 1759	HB 1858-Lipke
HB 1833-Wood, et al	HB 1988-Wagner, et al

THIRD READING OF SENATE BILLS

SB 778-Ridgeway, et al (In Fiscal Oversight)	SCS for SBs 905 & 910-Engler
SB 1002-Mayer	(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------|-------------------|
| 1. SB 882-Engler, with SCS | 2. SB 1072-Loudon |
|----------------------------|-------------------|

- | | |
|-------------------------------------|---|
| 3. SB 642-Scott | 20. SB 874-Shields, et al |
| 4. SB 841-Ridgeway, et al, with SCS | 21. SB 913-Vogel, with SCS |
| 5. SB 895-Engler, with SCS | 22. SB 1229-Champion, et al, with SCS |
| 6. SB 1081-Clemens, with SCS | 23. SBs 567 & 792-Dougherty, et al,
with SCS |
| 7. SB 912-Goodman, et al, with SCS | 24. SB 770-Mayer and Crowell |
| 8. SJR 31-Ridgeway and Shields | 25. SB 1023-Gibbons, et al |
| 9. SB 1049-Shields, with SCS | 26. SB 1222-Goodman, with SCS |
| 10. SB 1041-Gibbons, with SCS | 27. SB 1038-Mayer |
| 11. SB 1058-Loudon | 28. SB 862-Engler, with SCS |
| 12. SB 969-Stouffer, with SCS | 29. SB 736-Crowell and Cauthorn, with SCS |
| 13. SB 1103-Goodman | 30. SB 1114-Goodman & Loudon, with SCS |
| 14. SB 788-Klindt, with SCS | 31. SBs 1239 & 1091-Gibbons, with SCS |
| 15. SB 1188-Gibbons | 32. SBs 1210, 1244 & 844-Koster, et al,
with SCS |
| 16. SB 1236-Engler, with SCS | 33. SB 961-Ridgeway, with SCS |
| 17. SB 904-Griesheimer, with SCS | 34. SB 1027-Mayer, with SCS |
| 18. SB 1102-Alter | |
| 19. SB 924-Klindt, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 566-Dougherty, et al, with SCS | SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending) |
| SB 589-Bartle | SB 817-Scott, et al |
| SB 596-Days | SB 820-Koster, with SCS |
| SBs 613, 1030 & 899-Engler and Crowell,
with SCS | SB 825-Koster, et al, with SCS |
| SB 617-Koster, with SCS | SB 832-Griesheimer, with SCS |
| SB 635-Cauthorn | SRB 848-Bartle, with SCS |
| SB 637-Cauthorn, et al, with SCS &
SA 3 (pending) | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 643-Scott | SB 892-Scott, with SCS |
| SB 646-Griesheimer, with SCS | SB 894-Nodler, et al, with SCS |
| SBs 665 & 757-Engler, with SCS | SB 901-Shields |
| SB 689-Scott | SB 953-Engler, et al, with SCS |
| SB 690-Champion, with SCS | SB 976-Gibbons, with SCS |
| SB 696-Nodler and Crowell | SBs 1014 & 730-Scott and Gibbons, with
SCS, SS for SCS, SA 1 & SSA 3 for
SA 1 (pending) |
| SB 718-Crowell and Mayer, with SCS | SBs 1031 & 846-Klindt, with SCS |
| SB 780-Klindt | |
| SB 798-Nodler, with SCS | |

SB 1037-Mayer
SB 1064-Stouffer, with SCS
SB 1066-Klindt

SB 1104-Cauthorn and Klindt,
with SCS
SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days
SCR 29-Graham

SCR 32-Days
SCR 31-Purgason, et al
SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓

Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY—TUESDAY, APRIL 4, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

"Pleasant words are like a honeycomb, sweetness to the soul and health to the body." (Proverbs 16:24)

Gracious Lord, give us good words this day: words that lift us up and words that heal; words that are informative and words that instruct. Take from us words that are hurtful and misleading; words that undermine and depreciate. Remind us of words that say thank you and appreciate the other. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2573, regarding Cape Christian School, Cape Girardeau, which was adopted.

Senator Klindt offered Senate Resolution No. 2574, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Keith Abbey, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 2575, regarding Zachery Nelson, which was adopted.

Senator Klindt offered Senate Resolution No. 2576, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ervin "Pete" Garr, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 2577, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Richard Brand, Hopkins, which was adopted.

Senator Champion offered Senate Resolution No. 2578, regarding Nycolle King, which was adopted.

Senator Vogel offered Senate Resolution No. 2579, regarding Russell J. "Rusty" Esvelt, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SBs 905** and **910**; and **SB 778** begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 778 was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 832**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 832**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 832

An Act to repeal sections 99.470, 99.805, 99.810, 99.820, 99.825, 99.845, 99.847, and 99.865, RSMo, and to enact in lieu thereof ten new sections relating to tax increment financing, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 832** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 832**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 832

An Act to repeal sections 99.805, 99.810, 99.820, 99.825, 99.845, 99.847, and 99.865, RSMo, and to enact in lieu thereof nine new sections relating to tax increment financing, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 832** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Pages 1-8, Section 99.805, by striking said section from the bill; and

Further amend said bill, Pages 8 to 10, Section 99.810, by striking said section from the bill; and

Further amend said bill, Pages 10 to 18, Section 99.820, by striking said section from the bill; and

Further amend said bill, Pages 18 to 22, Section 99.825, by striking said section from the bill; and

Further amend said bill, Pages 22 to 23, Section 99.827, by striking said section from the bill; and

Further amend said bill, Pages 24 to 25, Section 99.841, by striking said section from the bill; and

Further amend said bill, Pages 25 to 40, Section 99.845, by striking said section from the bill; and

Further amend said bill, Pages 40 to 41, Section 99.847, by striking said section from the bill; and

Further amend said bill, Pages 41 to 45, Section 99.865, by striking said section from the bill; and inserting in lieu thereof the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of [defective or inadequate street layout,] unsanitary or unsafe conditions, deterioration of site improvements, [improper subdivision or obsolete platting,] or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes [an economic or] a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. **The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or is considered an economic liability or that the land is economically underutilized shall not be a valid factor in determining blight. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) **The property is located in an area of “high unemployment”. For purposes of this section, the term “high unemployment” shall mean unemployment in the proposed redevelopment area of at least two times that of the metropolitan statistical area in which the area is located or, two times the unemployment rate of non-metropolitan counties if the area is not located in a metropolitan statistical area; and**

(b) **The property is one with “low fiscal capacity”. For purposes of this section, the term “low fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than fifty percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous three reassessment periods; and**

(c) The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by low income. For purposes of this section, the term “low income” shall mean either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.

The determination of blight shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding of blight. Such findings shall be reviewed de novo by a court of competent jurisdiction, at the request of any owner of property deemed blighted;

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, [any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted

area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997] **any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an effective age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area by reason of the predominance of unsanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue, or is considered an economic liability, or that the land is economically underutilized shall not be a valid factor in declaring an area a conservation area. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) **The property is located in an area of “moderate unemployment”. For purposes of this section, the term “moderate**

unemployment” shall mean unemployment in the proposed redevelopment area of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of non-metropolitan counties if the area is not located in a metropolitan statistical area; and

(b) **The property is one with “reduced fiscal capacity”. For purposes of this section, the term “reduced fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than seventy percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous two reassessment periods; and**

(c) **The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by reduced income. For purposes of this section, the term “reduced income” shall mean either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under eighty-five percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under eighty-five percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.**

The determination that an area is a conservation area shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law

consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding. Such findings of fact shall be reviewed de novo, by a court of competent jurisdiction, at the request of any owner of property deemed a conservation area;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) [“Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it

will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6)] “Gambling establishment”, an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

[(7)] (6) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, “municipality” applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] (7) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] (8) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] (9) “Payment in lieu of taxes”, those estimated revenues from real property in the area

selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] **(10)** “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, [an economic development area,] an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

[(12)] **(11)** “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, [economic development area,] or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] **(12)** “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] **(13)** “Redevelopment project costs”

include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, [legal,] marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, [demolition of buildings,] and the clearing and grading of land;

(d) [Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

[(g)] **(e)** Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

[(h)] **(f)** All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in

furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

[(I)] (g) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

[(j)] (h) Payments in lieu of taxes;

Legal fees incurred during a redevelopment project shall not constitute redevelopment project costs and the party incurring such costs shall be responsible for payment;

[(15)] (14) “Special allocation fund”, the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] (15) “Taxing districts”, any political subdivision of this state having the power to levy taxes;

[(17)] (16) “Taxing districts' capital costs”, those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

[(18)] (17) “Vacant land”, any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most

recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area[,] or a conservation area, [or an economic development area,] and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence

presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. **An ordinance providing for a tax increment finance project for residential development or redevelopment shall not be approved unless unanimous consent for such project is granted by the members of the tax increment finance commission representing the interest of the school boards whose districts are included within the redevelopment plan or redevelopment area.** After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to

the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within [an economic development] **a blighted area or conservation** area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

523.015. Notwithstanding any other provision of law to the contrary, if a temporary easement for a specified period of time is granted as a result of condemnation instead of an easement of perpetual duration, any extension of such easement shall not be granted automatically; instead, the condemning entity shall only be granted an extension of the easement upon completing the formal condemnation proceedings of this chapter and paying the ordered amount of compensation for the extension.

523.025. Notwithstanding any other provision of law to the contrary, no political subdivision with an elected governing body shall exercise the power of eminent domain or condemnation until the elected governing body approves of the proposed condemnation by a two-thirds majority vote.

523.035. 1. After the petition has been filed under section 523.030, the court shall, prior to appointing commissioners under section 523.040, determine whether or not:

(1) The condemning entity has the authority to exercise the power of eminent domain;

(2) The property sought to be condemned is subject to the exercise of eminent domain;

(3) The property sought to be condemned is for a public use; and

(4) The condemning entity is properly exercising the power of eminent domain in the particular proceeding.

The court may also determine any other issues raised by the owner of the property which attacks the validity of the condemning entity's right to exercise eminent domain over the owner's property.

2. If the court determines that the condemning entity has satisfied all the requirements of subsection 1 of this section, the court shall enter an interlocutory order to such effect. An interlocutory appeal shall lie from the decision as a matter of right.

3. If the court determines that the condemning entity has not satisfied all the requirements of subsection 1 of this section and does not have the authority to exercise the power of eminent domain in this particular proceeding, the court shall dismiss the condemning entity's petition with prejudice and direct the condemning entity to pay the owner's court costs and attorneys' fees.

4. The appeal provided for in subsection 2 of this section shall be an interlocutory appeal, filed in the appropriate appellate court. Notice of such interlocutory appeal shall be filed within three business days of the entry of the order of trial court; the time limits applicable to such appeal shall be the same as in interlocutory appeals allowed to the state in criminal cases.

523.095. 1. Notwithstanding any other provision of law to the contrary, the state or any political subdivision thereof shall not exercise the power of eminent domain to acquire property for the purpose of economic development unless acquisition of such property is expressly authorized by law or the provisions of this subsection are fulfilled. No private

property that the government takes in the exercise of its power of eminent domain shall be used for economic development unless seven years have passed since the time of the original authorized taking and the government offers the original owner, or his or her heirs or assigns, the right of first refusal to buy the property at the original condemnation price before proceeding with the development.

2. For the purposes of this section, “economic development” means any activity performed to increase tax revenue, tax base, employment rates, or general economic health, when the activity does not result in:

(1) The transfer of land to public ownership;

(2) The transfer of land to a private entity that is a common carrier;

(3) The transfer of property to a private entity that will remove a blighted area as defined in chapter 99, RSMo; or

(4) The lease of the property to private entities that occupy an incidental area within a public project.

523.110. When any entity with condemnation authority negotiates with a property owner to acquire any property interest which may eventually be acquired through formal eminent domain proceedings, the condemning entity shall provide the owner of the property a form containing a written summary of the rights of an owner of property to be acquired under this chapter via certified mail return receipt requested. If the condemning entity does not supply the owner of the real property with this form, a presumption shall exist that any sale or contract entered into between the condemning entity and the owner was not voluntary and the condemning entity may be held responsible for any relief, if any, as the court may determine to be appropriate considering all of the facts and circumstances,

including, but not limited to, an award of punitive damages.

523.115. 1. Before proceeding to acquire any property interest by condemnation, a condemning entity must give notice of such intent, together with a description of the property interest to be acquired, notice of the property owners' right to a hearing, and notice that the decision determined at that hearing may be appealed to be heard by a jury of peers, to anyone having an interest of record in the property involved. Such notice shall advise that the condemning entity shall pay the reasonable costs of an appraisal pursuant to subsection 2 of this section. Such notice, however, need not be given to any of such persons who cannot be found by the condemning entity upon the exercise of due diligence. Upon receipt of such notice, such persons may employ an appraiser of their choosing to appraise the property interest to be acquired. The appraiser shall be a Missouri certified general appraiser bound by the uniform standards of professional appraisal practice (USPAP). The value of the land or property actually taken shall be equal to the market value with applicable upward adjustments. Within ninety days of the date of such notice, such persons may submit to the condemning entity a copy of such appraisal. The condemning entity shall, immediately upon receipt thereof, submit to such persons copies of its appraisals. If the property interest is being acquired in relation to a federal aid project, the appraisals submitted by the condemning entity shall be those which have been approved by it pursuant to applicable statutes and regulations, if such approval is required. All such appraisals may be used by the parties to negotiate in good faith for the acquisition of the property interest, but only the condemning entity shall be bound by such appraisals.

2. If an appraisal is submitted to the condemning entity in accordance with the

provisions of subsection 1 of this section, the condemning entity shall pay the reasonable costs of such appraisal. If more than one person has an interest in the property sought to be acquired and such persons cannot agree on an appraisal to be submitted under subsection 1 of this section, the condemning entity shall be relieved of any obligation imposed upon it to pay for such appraisals as may be submitted to it pursuant to this section.

3. Nothing in this section shall be construed as limiting in any way the obligation of the condemning entity to negotiate in good faith for the acquisition of any property interest sought prior to instituting eminent domain proceedings or as limiting in any way the discovery rights of parties to eminent domain proceedings.

4. Nothing in this section shall prevent the condemning entity from complying with federal and state requirements to qualify the authority for federal aid grants.

5. A condemning entity shall not make an offer to purchase the property or property interest that is less than the market value the condemning entity has established for the property or property interest pursuant to the appraisal required in subsection 1 of this section. A condemning entity need not make an offer in excess of that amount in order to satisfy the requirement to negotiate in good faith.

6. No later than ten days before the formal filing of a petition under section 523.010, the condemning entity must make a written offer to purchase the desired property or property interest in the form prescribed in subsection 7 of this section.

7. The offer shall be substantially in the following form:

..... (condemner) is authorized by (specific Missouri law granting authorization) to obtain your property or an easement across your property for certain public purposes.....

needs (easement or other property interest) across your property and needs to take (legal description of the property or easement to be taken; the legal description may be made on a separate sheet and attached to this document if additional space is required).

It is your opinion that the market value of the(property or easement) that (condemner) seeks to acquire is \$....., and, therefore,(condemner) offers you \$....., for the above described(property or easement). You have ten days from(date of offer) to accept this offer. If you do not accept, (condemner) will initiate eminent domain proceedings by filing a petition under section 523.010. The submitted offer shall be in the form of a verified affidavit.

8. If the condemning entity and the condemnee fail to reach agreement and the amount of damages awarded the condemnee by the commissioners under section 523.040 or by the court or jury under section 523.030, exclusive of interest and costs, is within twenty percent of the original offer, the condemnee shall pay the condemning entity's litigation expenses, including court costs and attorney's fees, in an amount that does not exceed two thousand five hundred dollars. If the amount of damages awarded to the condemnee, exclusive of interest and costs, exceeds the amount of the original offer by twenty percent or more, the condemning entity shall pay the condemnee's litigation expenses, including court costs and attorney's fees, in an amount not to exceed two thousand five hundred dollars. If the amount of damages awarded to the condemnee, exclusive of interest and costs, exceeds the amount of the original offer by fifty percent or more, the condemning entity shall pay the condemnee's litigation expenses, including court costs and attorney's fees, in an amount not to exceed two thousand five hundred dollars and double

damages on that portion of the damages that exceeds the amount of the original offer by twenty percent.

523.205. 1. Any public agency as defined in section 523.200 which is required, as a condition to the receipt of federal funds, to give relocation assistance to any displaced person is hereby authorized and directed to give similar relocation assistance to displaced persons when the property involved is being acquired for the same public purpose through the same procedures, and is being purchased solely through expenditure of state or local funds.

2. The governing body of any city, or agency thereof, prior to approval of a plan, project or area for redevelopment under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, **or any other political subdivision initiating condemnation proceedings**, which proposes or includes within its provisions or necessitates displacement of persons, when such displacement is not subject to the provisions of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended) or subsection 1 of this section, shall establish by ordinance or rule a relocation policy which shall include, but not be limited to, the provisions and requirements of subsections 2 to 15 of this section, or in lieu thereof, such relocation policy shall contain provisions and requirements which are equivalent to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended).

3. As used in this section, the following terms shall mean:

(1) "Business", any lawful activity that is conducted:

(a) Primarily for the purchase, sale or use of personal or real property or for the manufacture, processing or marketing of products or

commodities; or

(b) Primarily for the sale of services to the public;

(2) "Decent, safe and sanitary dwelling", a dwelling which meets applicable housing and occupancy codes. The dwelling shall:

(a) Be structurally sound, weathertight and in good repair;

(b) Contain a safe electrical wiring system;

(c) Contain an adequate heating system;

(d) Be adequate in size with respect to the number of rooms needed to accommodate the displaced person; and

(e) For a handicapped person, be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling;

(3) "Handicapped person", any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary;

(4) "Initiation of negotiations", the delivery of the initial written offer of just compensation by the acquiring entity, to the owner of the real property, to purchase such real property for the project, or the notice to the person that he will be displaced by rehabilitation or demolition;

(5) "Person", any individual, family, partnership, corporation, or association.

4. Every urban redevelopment corporation acquiring property within a redevelopment area shall submit a relocation plan as part of the redevelopment plan.

5. Unless the property acquisition under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, is subject to federal relocation standards or subsection 1 of this section, the relocation plan shall provide for the following:

(1) Payments to all eligible displaced persons, as defined, who occupied the property to be acquired for not less than ninety days prior to the initiation of negotiations who are required to vacate the premises;

(2) A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities;

(3) A program for referrals of displaced persons with provisions for a minimum of three decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety days' notice of referral sites for handicapped displaced persons and sixty days' notice of referral sites for all other displaced persons prior to the date such displaced persons are required to vacate the premises, and arrangements for transportation to inspect referral sites; and

(4) Every displaced person shall be given a ninety-day notice to vacate, prior to the date such displaced person is required to vacate the premises.

6. All displaced residential persons eligible for payments shall be provided with relocation payments based upon one of the following, at the option of the person:

(1) A [five-hundred-dollar] **five hundred dollar** fixed payment; or

(2) Actual reasonable costs of relocation including actual moving costs, utility deposits, key deposits, storage of personal property up to one month, utility transfer and connection fees and other initial rehousing deposits including first and last month's rent and security deposit.

7. All displaced businesses eligible for payments shall be provided with relocation payments based upon the following, at the option of the business:

(1) A [one-thousand-five-hundred-dollar] **one**

thousand five hundred dollar fixed payment; or

(2) Actual costs of moving including costs for packing, crating, disconnection, dismantling, reassembling and installing all personal equipment and costs for relettering similar signs and similar replacement stationery.

8. If a displaced person demonstrates the need for an advance relocation payment, in order to avoid or reduce a hardship, the developer or public agency shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim shall be made within thirty days following receipt of sufficient documentation to support the claim. All claims for relocation payment shall be filed with the displacing agency within six months after:

(1) For tenants, the date of displacement;

(2) For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later.

9. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of the negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of this section and his entitlement to payment and shall be filed with the acquiring public agency.

10. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance, with such notice to be given concurrently with the notice of referral sites as required in subdivision (3) of subsection 5 of this section.

11. Any urban redevelopment corporation, its assigns or transferees, which have been provided any assistance under the operation of chapter 99, RSMo, chapter 100, RSMo, chapter 353, RSMo, or this chapter, with land acquisition by the local governing body, shall be required to make a report to the local governing body or appropriate public

agency which shall include, but not be limited to, the addresses of all occupied residential buildings and structures within the redevelopment area and the names and addresses of persons displaced by the redeveloper and specific relocation benefits provided to each person, as well as a sample notice provided to each person.

12. An urban redevelopment corporation which fails to comply with the relocation requirements provided in this section shall not be eligible for tax abatement as provided for in chapter 353, RSMo.

13. The requirements set out in this section shall be considered minimum standards. In reviewing any proposed relocation plan under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, the local governing body or public agency shall determine the adequacy of the proposal and may require additional elements to be provided.

14. Relocation assistance shall not be provided to any person who purposely resides or locates his business in a redevelopment area solely for the purpose of obtaining relocation benefits.

15. The provisions of sections 523.200 and 523.205 shall apply to land acquisitions under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, filed for approval, approved or amended on or after August 31, 1991, **or any other land acquisition obtained through formal condemnation proceedings.**”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

At the request of Senator Griesheimer, **SB 832**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 778, introduced by Senator Ridgeway, et

al, entitled:

An Act to repeal section 306.030, RSMo, and to enact in lieu thereof two new sections relating to the state water patrol.

Was called from the Informal Calendar and taken up.

On motion of Senator Ridgeway, **SB 778** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Klindt
Koster	Nodler	Purgason	Ridgeway
Shields	Stouffer	Vogel	Wheeler
Wilson—21			

NAYS—Senators

Bartle	Callahan	Graham	Green
Griesheimer	Gross	Kennedy	Loudon
Mayer—9			

Absent—Senators

Bray	Scott—2
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Absent with leave—Senator Dougherty—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1002, introduced by Senator Mayer, entitled:

An Act to amend chapter 242, RSMo, by adding thereto one new section relating to drainage districts.

Was taken up.

On motion of Senator Mayer, **SB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Graham—1

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SBs 905 and 910, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 905 and 910**

An Act to repeal section 383.105, RSMo, and to enact in lieu thereof twelve new sections relating to medical malpractice insurance, with an expiration date for certain sections.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS for SBs 905 and 910** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 4**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 4

Relating to recognition of autism awareness day and autism awareness month.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, it is estimated that more the 1.5 million Americans live with some form of autism, including more than 100,000 children served under the federal Individuals with Disabilities Education Act (IDEA); and

Whereas, the Missouri Department of Elementary and Secondary Education recently identified 3,393 children between the ages of 3 and 21 as autistic, an increase of 1,000% from the 294 children identified in 1991; and

Whereas, the increase in autism spectrum disorder's prevalence across the entire United States is an urgent public health concern, with the frequency of autism spectrum disorders now surpassing that of all types of cancer combined; and

Whereas, while autism is not a curable disorder, recent studies have shown that early intervention can have dramatic results for children which allows them to enjoy a productive and independent life; and

Whereas, because many insurance companies and government assistance does not fully cover the costs of services associated with autism, many families are spending in excess of \$70,000 a year for services for their children; and

Whereas, during the month of April the autism community around the United States will be involved in many activities to increase awareness of autism:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby:

(1) Recognize April twenty-seventh of each year as "Autism Awareness Day" and the month of April each year as "Autism Awareness Month" in Missouri;

(2) Recognize and commend the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) Stress the need to begin early intervention services soon after an individual has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for individuals with autism and early intervention significantly improves outcomes for individuals with autism and can reduce the level of funding and services needed later in life;

(4) Recognize the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those students with autism; and

(5) Recognize the importance of worker training programs that meet the needs of developmentally disabled individuals, including those individuals with autism, and note that individuals with autism can be and are productive members of the workforce if they are given appropriate support, training, and early intervention services; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2580, regarding Michael Shipley, which was adopted.

Senator Gross offered Senate Resolution No. 2581, regarding Thomas Benton, which was adopted.

Senator Gross offered Senate Resolution No. 2582, regarding Kim Huffman, which was adopted.

Senator Gross offered Senate Resolution No. 2583, regarding Renee and Derrick Rivers, which was adopted.

Senator Gross offered Senate Resolution No. 2584, regarding Jason Lee, which was adopted.

Senator Gross offered Senate Resolution No. 2585, regarding Colleen Clifford, which was adopted.

Senator Gross offered Senate Resolution No. 2586, regarding John Hanley, which was adopted.

Senator Gross offered Senate Resolution No. 2587, regarding Andy and Susan Quinones, which was adopted.

Senator Gross offered Senate Resolution No. 2588, regarding Ann Walton, which was adopted.

Senator Gross offered Senate Resolution No. 2589, regarding Ann Grice, which was adopted.

Senator Gross offered Senate Resolution No. 2590, regarding Stacey Nelson, which was adopted.

Senator Crowell offered Senate Resolution No. 2591, regarding Debbie Lusk, which was adopted.

Senator Crowell offered Senate Resolution No. 2592, regarding Linda Dirden, which was adopted.

Senator Crowell offered Senate Resolution No. 2593, regarding Sheryl A. Dunavan, which was adopted.

Senator Crowell offered Senate Resolution No. 2594, regarding Brenda Randolph, which was adopted.

Senator Crowell offered Senate Resolution No. 2595, regarding Mary Ellen Watkins, which was adopted.

Senator Crowell offered Senate Resolution No. 2596, regarding the Altenburg School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2597, regarding the Kelso C-7 School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2598, regarding the Delta R-V School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2599, regarding the Leopold R-III School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2600, regarding the Marquand-Zion R-VI School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2601, regarding the Oak Ridge R-VI School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2602, regarding the Zalma R-V School District, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 832**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again up for perfection, which motion prevailed.

At the request of Senator Griesheimer, **SB**

832, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Nodler moved that **SB 894**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 894**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 894

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to school districts providing an adequate education to students.

Was taken up.

Senator Nodler moved that **SCS** for **SB 894** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 894**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 894

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to school districts providing an adequate education to students.

Senator Nodler moved that **SS** for **SCS** for **SB 894** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SB 894** was declared perfected and ordered printed.

Senator Engler moved that **SB 613**, **SB 1030** and **SB 899**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 613**, **1030** and **899**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 613, 1030 and 899

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 570.223, RSMo, and to enact in lieu thereof six new

sections relating to telephone communication, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Engler moved that **SCS** for **SBs 613, 1030 and 899** be adopted.

Senator Engler offered **SS** for **SCS** for **SBs 613, 1030 and 899**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 613, 1030 and 899

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 570.223, RSMo, and to enact in lieu thereof six new sections relating to telephone communication, with penalty provisions and an emergency clause for certain sections.

Senator Engler moved that **SS** for **SCS** for **SBs 613, 1030 and 899** be adopted.

Senator Crowell assumed the Chair.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 14, Section 570.223, Line 24, by inserting immediately after all of said line the following:

“Section 1. Upon the written request of a residential subscriber, as defined in section 407.1095, RSMo, a wireless telephone provider shall not issue the wireless phone records of the subscriber via any electronic means. Such provider shall only transmit such records through United States mail to the registered address of the subscriber.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 1, Section 407.1095, Line 11, by inserting after the word “telephone” the words **“or facsimile”**.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 6, Section 407.1104, Line 1 by inserting immediately after all of said line the following

“407.1142. 1. This act may be cited as the “RFID Right to Know Act of 2006”.

2. A consumer commodity or package that contains or bears a radio frequency identification tag or bar code shall bear a label as provided in subsection 4 of this section.

3. For purposes of this section, the following terms mean:

(1) “Radio frequency identification” or “RFID”, technologies that use radio waves to automatically identify individual items;

(2) “Tag”, a microchip that is attached to an antenna and is able to transmit identification information.

4. A label required by subsection 2 of this section shall:

(1) State, at a minimum, that the consumer commodity or package contains or bears a radio frequency identification tag, and that the tag can transmit unique identification information to an independent reader both before and after purchase; and

(2) Be in a conspicuous type-size and location and in print that contrasts with the background against which it appears.”

And further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 6, Section 570.222, Line 23, by inserting immediately after the word “consent” the following:

“of the customer”; and

Further amend said bill and section, page 7, line 9 by inserting immediately after the word “consent” the following:

“of the customer”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SBs 613, 1030 and 899**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SBs 613, 1030 and 899**, as amended, was declared perfected and ordered printed.

Senator Klindt moved that **SB 780** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Klindt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 780, Page 2, Section 386.715, Line 36, by inserting at the end of said line the following: **“Nothing in this section shall authorize the public service commission to determine how the office of public counsel allocates the estimated expenses directly**

attributable to the regulation of public utilities described in subsection 1 of this section or how the assessment imposed under this section is spent by the office of public counsel.”

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

“386.700. The [director of the department of economic development] **attorney general** shall appoint a public counsel to serve at the pleasure of the [director of the department] **attorney general**. The public counsel shall be an attorney at law licensed to practice law in this state and whose salary shall be fixed by the [department director] **attorney general** within the appropriation made therefor.

386.710. 1. The public counsel shall have the following powers and duties:

(1) He shall employ a staff or hire on a contract basis such employees and experts as are necessary to carry out the purposes and responsibilities of his office, and shall set their compensation within the appropriation made for that purpose;

(2) He may represent and protect the interests of the public in any proceeding before or appeal from the public service commission. **The public counsel may determine that any rate increase for which an appeal is pending shall not take effect until the appeal is resolved;**

(3) He shall have discretion to represent or refrain from representing the public in any proceeding. He shall consider in exercising his discretion the importance and the extent of the public interest involved and whether that interest would be adequately represented without the action of his office. If the public counsel determines that

there are conflicting public interests involved in a particular matter, he may choose to represent one such interest based upon the considerations of this section, to represent no interest in that matter, or to represent one interest and certify to the [director of the department of economic development] **attorney general** that there is a significant public interest which he cannot represent without creating a conflict of interest and which will not be protected by any party to the proceeding. The [director of the department] **attorney general** shall select an attorney, to be paid from funds appropriated for this purpose, to represent that segment of the public certified to him by the public counsel as unrepresented. Nothing in this section shall be construed to limit the right of any person, firm or corporation specified in subsection 1 of section 386.390 to petition or make complaint to the commission or otherwise intervene in proceedings or other matters before the commission.

2. The public counsel shall be served with all proposed tariffs, initial pleadings, and applications, in all proceedings before the public service commission, and shall be served with a copy of all orders of the commission.

3. Nothing in sections 386.071, 386.150, [386.155,] 386.170, 386.200, 386.330, 386.360, 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530, 386.540, 386.600, 386.700 and 386.710, shall be construed or interpreted to mean that the public counsel shall not have the right to appeal any and all orders of the public service commission to the courts which right of appeal exists and has existed since the time of transfer as provided in section 386.500.

4. He shall have all powers necessary or proper to carry out the duties specified in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above

amendment be adopted.

Senator Bray offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting after all of said line the following:

“386.700. **1.** The [director of the department of economic development shall appoint a public counsel to serve at the pleasure of the director of the department] **governor, attorney general, and secretary of state shall, by a majority vote, appoint a public counsel by January 1, 2007, for a term of four years and every four years thereafter, with the advice and consent of the senate.** The public counsel shall be an attorney at law licensed to practice law in this state and whose salary shall be fixed by the [department director] **office of administration** within the appropriation made therefor.

2. The governor may remove the public counsel only in cases of misconduct in office.”;
and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

At the request of Senator Klindt, **SB 780**, with **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1244**—Financial and Governmental Organizations and Elections.

HCS for **HB 1256**—Pensions, Veterans’ Affairs and General Laws.

HCS for **HB 1440**—Ways and Means.

HB 1446—Agriculture, Conservation, Parks

and Natural Resources.

HCS for HB 1449—Education.

HB 1494—Financial and Governmental Organizations and Elections.

HCS for HB 1508—Economic Development, Tourism and Local Government.

HB 1509—Economic Development, Tourism and Local Government.

HCS for HB 1515—Aging, Families, Mental and Public Health.

HCS for HB 1551—Financial and Governmental Organizations and Elections.

HB 1715—Financial and Governmental Organizations and Elections.

HCS for HB 1759—Financial and Governmental Organizations and Elections.

HB 1833—Agriculture, Conservation, Parks and Natural Resources.

HB 1857—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1037—Commerce, Energy and the Environment.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 25**.

HOUSE CONCURRENT RESOLUTION NO. 25

Whereas, the current Federal Defense Budget does not include an allocation for the United States Air Force C-17 Globemaster III military transport plane program at Boeing St. Louis; and

Whereas, in 2002, Boeing dedicated a new St. Louis C-17 manufacturing facility which allowed Boeing to consolidate its major St. Louis C-17 assembly work into one facility; and

Whereas, today, twenty percent of all C-17 planes are manufactured at Boeing St. Louis; and

Whereas, the Boeing St. Louis team, the largest supplier for the C-17, produces the airlifter's cargo ramp and door, cockpit,

including the flight deck, main landing gear pods and pylons. In addition, 10,000 detail parts for the C-17 are fabricated at Boeing's strategic partner, GKN Aerospace Services - St. Louis, to deliver to Long Beach, California, and Macon, Georgia; and

Whereas, the new facility at Boeing St. Louis was part of a \$140 million multistage plan designed to transform the Boeing St. Louis site into one of the most competitive operations in the aerospace industry; and

Whereas, if federal funding for this program is not included in the Federal Defense Budget, 950 jobs at Boeing St. Louis and 565 jobs at GKN Aerospace Services - St. Louis would be lost; and

Whereas, Boeing St. Louis is second only to Long Beach, California in the manufacturer of the C-17 Globemaster III military transport plane and has 57 suppliers across the State of Missouri; and

Whereas, the loss of almost 1500 skilled aerospace jobs, occurring at the same time that the Hazelwood Ford Plant is scheduled for closure, would have a significant negative impact on the economy of St. Louis and the State of Missouri, as well as the employment and financial stability of almost 1500 employees in this state:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Congress to include in the Federal Defense Budget an allocation for the United States Air Force C-17 Globemaster III military transport plane program at Boeing St. Louis; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SRB 848**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SRB 848, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE REVISION BILL NO. 848

An Act to repeal sections 21.435, 21.770, 28.163, 32.051, 32.380, 32.382, 42.160, 58.755, 72.424, 82.460, 82.1050, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 138.236, 140.015, 143.122, 143.172, 143.1010,

143.1011, 143.1012, 144.030, 144.036, 144.041, 160.510, 161.205, 161.655, 169.710, 171.033, 191.938, 197.121, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.550, 302.295, 313.300, 313.301, 319.022, 319.023, 351.025, 354.065, 376.530, 376.550, 388.650, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 644.102, 650.216, and 701.040, RSMo, and to enact in lieu thereof twelve new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

Was taken up.

Senator Bartle moved that **SCS** for **SRB 848** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SRB 848** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 1064**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1064**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1064

An Act to repeal sections 226.530 and 226.580, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 1064** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 1064** was declared perfected and ordered printed.

Senator Klindt moved that **SB 780**, with **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

Senator Bray moved that **SSA 1** for **SA 2** be adopted.

Senator Callahan requested a roll call vote be

taken on the adoption of **SSA 1** for **SA 2**. He was joined in his request by Senators Days, Barnitz, Bray and Green.

SSA 1 for **SA 2** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel—21			

Absent—Senator Clemens—1

Absent with leave—Senator Wheeler—1

Vacancies—1

SA 2 was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Graham and Green.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel—20

Absent—Senators

Clemens Koster—2

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting after all of said line the following:

“386.202. No commissioner or employee of the public service commission who is responsible for regulating or making recommendations on the regulation of gas, electric, water, or telephone utilities shall be employed by any public utility, as defined in section 386.020, engaged in such areas of regulation for a period of no less than two years after the individual has completed his or her employment with the commission.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Bray, Days, Callahan and Dougherty.

SA 3 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Vogel	Wilson—28

NAYS—Senators

Klindt	Koster	Stouffer—3
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Absent—Senator Clemens—1

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Dougherty offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

“386.700. 1. The director of the department of economic development shall appoint a public counsel to serve at the pleasure of the director of the department. The public counsel shall be an attorney at law licensed to practice law in this state and whose salary shall be fixed by the department director within the appropriation made therefor.

2. The director may remove the public counsel only in cases of misconduct in office.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“386.390. 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, **alleging that a public utility's rates are excessive, or otherwise** setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission[; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or

chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service].

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided.

3. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of.

4. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom summons may be served in accordance with the provisions of the code of civil procedure of this state, and may be made personally or by mailing in a sealed envelope with postage prepaid.

5. The commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that the public necessity requires that such hearing be held at an earlier date.

6. If the complaint alleges that a public utility's rates are excessive, the public utility shall, within thirty days or such lesser time as may be prescribed by the commission, file a bond or undertaking approved by the commission conditioned upon the refund in a manner prescribed by the commission of amounts collected after the date of filing of the petition in excess of rates and charges finally determined by the commission to be lawful,

with interest thereon at the legal rate. If, upon hearing, the commission finds that the public utility's rates are unlawful, the commission shall order a refund, with interest, at the legal rate of amounts collected after the date of filing the petition that are determined to be in excess of the amounts that would have been collected under the rates finally approved. In any hearing upon a complaint brought under this subsection, the complainant or complainants shall have the obligation to present evidence to preliminarily support the alleged overcharge. However, the burden of proof to show that the existing rate or the rate complained against is just and reasonable at all times shall be upon the public utility.

7. The commission shall issue a final order deciding any complaint under this section within eleven months of the complaint having been filed.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 5** is out of order as it goes beyond the scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Klindt, **SB 780**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 1037** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Mayer, **SB 1037** was declared perfected and ordered printed.

Senator Nodler moved that **SB 696** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Nodler offered **SS** for **SB 696**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 696

An Act to repeal sections 144.030 and 144.062, RSMo, and to enact in lieu thereof two new sections relating to sales tax exemptions for transportation.

Senator Nodler moved that **SS** for **SB 696** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SB 696** was declared perfected and ordered printed.

Senator Scott moved that **SB 892**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 892**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 892

An Act to repeal sections 408.015 and 408.555, RSMo, and to enact in lieu thereof two new sections relating to mortgage loans.

Was taken up.

Senator Scott moved that **SCS** for **SB 892** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 892**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 892

An Act to repeal sections 143.471, 301.215, 306.435, 361.711, 361.715, 362.275, 362.445, 408.015, 408.555, and 700.385, RSMo, and to enact in lieu thereof thirteen new sections relating to financial institutions.

Senator Scott moved that **SS** for **SCS** for **SB 892** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Pages 21-23, Section 408.015, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Engler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Page 17, Section 362.078, Lines 24-28 by deleting all said lines and on page 18 lines 1-12 by deleting all said lines

and further amend title and enacting clause accordingly

Senator Engler moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

Senator Stouffer offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Page 18, Section 362.087, Line 12, by inserting immediately after all of said line, the following:

“The provisions of this section shall expire on August 28, 2008.”; and

further amend the title, line 5, by adding the following: **“, with an expiration date for a certain section”**.

Senator Stouffer moved that the above substitute amendment be adopted.

Senator Callahan offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Page 1, Section 362.087, Line 4, by deleting “2008” and inserting in lieu thereof the following: **“2010”**.

Senator Callahan moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 2** was again taken up.

Senator Stouffer moved that the above substitute amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Engler moved that the above amendment be adopted, which motion failed.

Senator Scott moved that **SS** for **SCS** for **SB 892**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **SB 892**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 613, 1030 and 899; SB 1037; SCS** for **SB 1064; SS** for **SCS** for **SB 894; and SCS** for **SRB 848**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1053**, entitled:

An Act to repeal section 610.105, RSMo, and to enact in lieu thereof one new section relating to victim's access to official case records in certain cases in which imposition of sentence is suspended.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1088**, entitled:

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1135**, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1382 and 1158**, entitled:

An Act to repeal sections 301.445, 301.447, 301.451, 301.456, 301.457, 301.464, 301.465, 301.3054, 301.3085, 301.3090, 301.3116, and 301.4000, RSMo, and to enact in lieu thereof thirteen new sections relating to special license plates for military personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1411**, entitled:

An Act to repeal sections 339.010 and 339.100, RSMo, and to enact in lieu thereof two new sections relating to real estate brokers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1488**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1552**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto one new section relating to veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1623**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1653**, entitled:

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof one new section relating to child support.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1679**, entitled:

An Act to repeal sections 577.020 and 577.021, RSMo, and to enact in lieu thereof two new sections relating to chemical testing for intoxication of drivers involved in vehicle accidents resulting in death or serious physical injury.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2 for HB 1703**, entitled:

An Act to repeal sections 537.620 and 537.640, RSMo, and to enact in lieu thereof two new sections relating to insurance pooling.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1707**, entitled:

An Act to repeal section 193.065, RSMo, and to enact in lieu thereof one new section relating to local registrars.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **HB 1710**, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to county property in regional recreational districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1711**, entitled:

An Act to repeal section 100.050, RSMo, and to enact in lieu thereof one new section relating to industrial development.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1746**, entitled:

An Act to repeal sections 42.014 and 42.015, RSMo, and to enact in lieu thereof two new sections relating to veterans' programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1787**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the guard at home program, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1936**, entitled:

An Act to repeal section 197.291, RSMo, and to enact in lieu thereof one new section relating to the technical advisory committee on the quality of patient care and nursing practices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1511**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to early childhood education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 1066** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Klindt offered **SS** for **SB 1066**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1066

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications companies.

Senator Klindt moved that **SS** for **SB 1066** be adopted, which motion prevailed.

On motion of Senator Klindt, **SS** for **SB 1066** was declared perfected and ordered printed.

Senator Scott moved that **SB 689** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 689, Page 2, Section 105.466, Line 14, by inserting after all of said line the following:

“105.470. As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) “Elected local government official lobbyist”, any natural person who acts for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over two million dollars and, in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer;

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity;

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association, or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January 1 and ending December 31 for the benefit of one or more elected local government officials in connection with such activity.

(2) “Executive lobbyist”, any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty- first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity.

An “executive lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;

b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;

c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;

d. Participating in public hearings or public proceedings on rules, grants, or other matters;

e. Responding to any request for information made by any public official or employee of the executive branch of government;

f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

[(2)] (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term "expenditure" shall not include the following:

(a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;

(b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person's official duties, or souvenirs or mementos valued at less than ten dollars;

(c) Contributions to the public official's campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130, RSMo;

(d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such person's or entity's

business to persons who are not public officials;

(e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;

(f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein;

(g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official;

[(3)] (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such

activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty- first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary.

A “judicial lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;

b. Participating in public hearings or public proceedings on rules, grants, or other matters;

c. Responding to any request for information made by any judge or employee of the judicial branch of government;

d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic; or

e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

[(4)] (5) “Legislative lobbyist”, any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or

any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty- first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

A “legislative lobbyist” shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A “legislative lobbyist” shall not include any member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any

member thereof;

d. Testifying as a witness before the general assembly or any committee thereof;

[(5)] (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist or a legislative lobbyist;

[(6)] (7) "Lobbyist principal", any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

[(7)] (8) "Public official", any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision.

105.473. 1. Each lobbyist shall, not later than five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony

before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist [or a], legislative lobbyist, **or elected local government official lobbyist**, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; entertainment; honoraria; meals, food and beverages; and gifts;

(b) **The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses, media and other advertising expenses, travel, entertainment, honoraria, meals, food and beverages, and gifts;**

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist

principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official **or elected local government elected official**, such official's staff, employees, spouse or dependent children;

[(c)] (d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

- a. All members of the senate;
- b. All members of the house of representatives;
- c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or
- d. All members of a caucus of the general assembly if the caucus consists of at least ten members, a list of the members of the caucus has been previously filed with the ethics committee of the house or the senate, and such list has been approved by either of such ethics committees;

[(d)] (e) Any expenditure made on behalf of a public official, **an elected local government official**, or [the public] **such** official's staff, employees, spouse or dependent children, if such expenditure is solicited by such [public] official, the [public] official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence;

[(e)] (f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official **or elected local government official**. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this

section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such

allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government **or any elected local government official** on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed.

This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **SB 689**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 589** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 589, Page 1, In the Title, Line 3, by striking “the sixteenth judicial circuit” and inserting in lieu thereof the following: “judicial circuits”; and

Further amend said bill and page, section 478.463, line 12, by inserting immediately after said line the following:

“478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit consisting of the county of Greene. These judges shall sit in divisions numbered one, two, three, four and five.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

3. Beginning January 1, 2007, there shall be an additional circuit judge position within the thirty-first judicial circuit, to be known as division six. The circuit judge in division six shall be elected for a six-year term in 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 589, Page 1, Section 478.463, Line 12, by inserting immediately after said line the following:

“478.705. 1. There shall be [two] **three** circuit judges in the twenty-sixth judicial circuit consisting of the counties of Camden, Laclede, Miller, Moniteau and Morgan. These judges shall sit in divisions numbered one [and], two, **and three**.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982. **The governor shall appoint a judge for division three and**

notwithstanding the provisions of section 105.030, RSMo, that judge shall serve until January 1, 2009. A judge for division three shall be elected in 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Loudon offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 589, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“478.387. There shall be [twenty-four] **twenty-three** circuit judges in the twenty-second judicial circuit consisting of the city of St. Louis **and Circuit Clerk Mariano Favazza shall be empowered to choose who gets the boot.”; and**

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 589, Page 1, Section 478.463, Line 12, by inserting immediately after said line the following:

“478.710. 1. There shall be two circuit judges in the thirty-second judicial circuit consisting of the counties of Perry, Bollinger and Cape Girardeau. These judges shall sit in two divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1982. The circuit judge in division one shall be elected in 1984.

3. Beginning January 1, 2007, there shall be an additional circuit judge position within the thirty-second judicial circuit, to be known as division three. The circuit judge in division three shall be elected for a six-year term in

2008.

Section 1. 1. There shall be two circuit judges in the thirty-third judicial circuit consisting of the counties of Mississippi and Scott. These judges shall sit in two divisions numbered one and two.

2. The circuit judge in office on August 28, 2006, shall sit in division one and shall be elected in 2006. The circuit judge in division two shall be elected in 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Crowell offered **SA 1 to SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Bill No. 589, Page 1, Section 1, Line 14 by inserting immediately after “1.” the following:

“Beginning January 1, 2007.”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

On motion of Senator Bartle, **SB 589**, as amended, was declared perfected and ordered printed.

Senator Nodler moved that **SB 798**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 798**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 798**

An Act to repeal sections 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, and 621.045, RSMo, and to enact in lieu thereof seven new sections relating to architects, professional engineers, and land surveyors, with penalty

provisions.

Was taken up.

Senator Nodler moved that **SCS** for **SB 798** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **SB 798** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 780**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2603, regarding Kathy Wright, which was adopted.

Senator Crowell offered Senate Resolution No. 2604, regarding Linda Schild, which was adopted.

Senator Crowell offered Senate Resolution No. 2605, regarding Pam Schulte, which was adopted.

Senator Crowell offered Senate Resolution No. 2606, regarding Martha Stephens, which was adopted.

Senator Crowell offered Senate Resolution No. 2607, regarding LouAnn Hays Zoffuto, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Days moved that **SB 596** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Days offered **SS** for **SB 596**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 596

An Act to repeal sections 475.010 and 475.045, RSMo, and to enact in lieu thereof three new sections relating to standby guardianship of minors.

Senator Days moved that **SS** for **SB 596** be adopted, which motion prevailed.

On motion of Senator Days, **SS** for **SB 596** was declared perfected and ordered printed.

Senator Koster moved that **SB 825**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 825**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 825

An Act to amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District Compact.

Was taken up.

Senator Koster moved that **SCS** for **SB 825** be adopted.

Senator Koster offered **SS** for **SCS** for **SB 825**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 825

An Act to amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District Compact.

Senator Koster moved that **SS** for **SCS** for **SB 825** be adopted.

At the request of Senator Koster, **SB 825**, with **SCS** and **SS** for **SCS** (pending) was placed on the Informal Calendar.

Senator Scott moved that **SB 643** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Scott, **SB 643** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 646**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 646**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 646

An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 646** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 646, Page 2, Section 204.602, Line 6, by striking the words “the appropriate” and inserting in lieu thereof the following: “**each**”; and further amend said line by striking the word “wherein” and inserting in lieu thereof the following: “**having jurisdiction in the geographic area**”; and further amend line 7 by striking the word “that” and inserting in lieu thereof the following: “**by each**”; and further amend line 7 by inserting immediately after the word “commission” the following: “**having jurisdiction**”; and further amend line 9 by striking the word “the” as it appears the second time in said line and inserting in lieu thereof the following: “**any**”; and further amend said line by inserting immediately after the word “commission” the following: “**having jurisdiction**”; and further amend line 11 by inserting immediately after the word “commission” the following: “**which rejected the petition**”; and further amend said line by inserting immediately after the word “court” the following: “**of that county in the county which rejected the petition**”; and

Further amend page 7, section 204.604, line 6, by inserting immediately after the word “county” the following: “**or counties**”; and further amend line 10 by inserting immediately after the word “commission” the following: “**, or each county commission if the district exists in more than one county,**”; and further amend line 12 by inserting immediately after the word “commission” the following: “**or any county commissions in districts existing in more than one county,**”; and further amend line 13 by inserting immediately

after the word “commission” the following: “**or commissions comprising the district**”; and further amend line 14 by inserting immediately after the word “circuit” the following: “**having jurisdiction over the district**”; and

Further amend said bill, page 28, section 204.674, lines 8-11, by striking all of said lines and inserting in lieu thereof the following: “**provides wholesale sewer service.**”.

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS** for **SB 646**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 646**, as amended, was declared perfected and ordered printed.

Senator Champion moved that **SB 690**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 690**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 690

An Act to repeal sections 210.145 and 210.183, RSMo, and to enact in lieu thereof two new sections relating to a child abuse or neglect investigation involving the death of a child.

Was taken up.

Senator Champion moved that **SCS** for **SB 690** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 690** was declared perfected and ordered printed.

Senator Koster moved that **SB 825**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 825** was again taken up.

Senator Koster moved that **SS** for **SCS** for **SB 825** be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **SB 825** was declared perfected and ordered printed.

Senator Mayer assumed the Chair.

Senator Crowell moved that **SB 718**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 718**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal section 100.281, RSMo, and to enact in lieu thereof one new section relating to the development finance board.

Was taken up.

Senator Crowell moved that **SCS** for **SB 718** be adopted.

Senator Crowell offered **SS** for **SCS** for **SB 718**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 8.420, 100.265, and 100.281, RSMo, and to enact in lieu thereof four new sections relating to the issuance of state loans.

Senator Crowell moved that **SS** for **SCS** for **SB 718** be adopted.

Senator Barnitz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 3, Section 8.420, Line 9 by inserting immediately after all of said line the following

“100.255. As used in sections 100.250 to 100.297, the following terms mean:

(1) “Board”, the Missouri development finance board created by section 100.265;

(2) “Borrower”, any person, partnership, public or private corporation, association, development agency or any other entity eligible for funding under sections 100.250 to 100.297, **but shall not include any professional athletic team as defined in section 143.183, RSMo, or any**

sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo;

(3) “Development agency”, any of the following:

(a) A port authority established pursuant to chapter 68, RSMo;

(b) The bi-state development agencies established pursuant to sections 70.370 to 70.440, RSMo, and sections 238.010 to 238.100, RSMo;

(c) A land clearance for redevelopment authority established pursuant to sections 99.300 to 99.660, RSMo;

(d) A county, city, incorporated town or village or other political subdivision or public body of this state;

(e) A planned industrial expansion authority established pursuant to sections 100.300 to 100.620;

(f) An industrial development corporation established pursuant to sections 349.010 to 349.105, RSMo;

(g) A real property tax increment financing commission established pursuant to sections 99.800 to 99.865, RSMo;

(h) Any other governmental, quasi-governmental or quasi-public corporation or entity created by state law or by resolution adopted by the governing body of a development agency otherwise described in paragraphs (a) through (g) of this subdivision, **but shall not include any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo;**

(4) “Development and reserve fund”, the industrial development and reserve fund established pursuant to section 100.260;

(5) “Export finance fund”, the Missouri export finance fund established pursuant to section 100.260;

(6) “Export trade activities” includes, but is not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance,

transportation, including trade documentation and freight forwarding, communication, and processing of foreign orders to and for exporters and foreign purchases and warehousing, when undertaken to export or facilitate the export of goods or services produced or assembled in this state;

(7) “Guarantee fund”, the industrial development guarantee fund established by section 100.260;

(8) “Infrastructure development fund”, the infrastructure development fund established under section 100.263;

(9) “Infrastructure facilities”, the highways, streets, bridges, water supply and distribution systems, mass transportation facilities and equipment, telecommunication facilities, jails and prisons, sewers and sewage treatment facilities, wastewater treatment facilities, airports, railroads, reservoirs, dams and waterways in this state, acquisition of blighted real estate and the improvements thereon, demolition of existing structures and preparation of sites in anticipation of development, public facilities, and any other improvements provided by any form of government or development agency, **but shall not include any such facilities for use by any professional athletic team as defined in section 143.183, RSMo, or any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo;**

(10) “Jobs now fund”, the jobs now fund established under section 100.260;

(11) “Jobs now projects”, the purchase, construction, extension, and improvement of real estate, plants, buildings, structures, or facilities, whether or not now in existence, used or to be used primarily as infrastructure facilities or public facilities. When any entity provides a certified design or operation plan which is demonstrably less than the usual and customary average industry determination of cost for installation, construction, purchasing, extension, and improvement of real estate, manufacturing facilities, buildings, structures or facilities, including public facilities, then the entity or company providing such service

may receive payment in an amount equal to the usual and customary fee for such project plus additional compensation equal to two times the percentage by which the cost of such aforementioned criteria of such facility is less than the usual and customary average industrial determination of cost for installation, construction, materials, extension and improvement of real estate, manufacturing facilities, buildings, structures, or facilities, including public facilities. Such entity shall also pay to such company providing such aforementioned service compensation equal to twenty-five percent of the amount of any annual operational costs which are lower than the customary average industry determination of cost for operation for such facility, procedure, or service for a period of time equal to one-fourth the design lifetime of such entity or five years whichever is less;

(12) “Participating lender”, a lender authorized by the board to participate with the board in the making of a loan or to make loans the repayment of which is secured by the development and reserve fund;

(13) “Project”, the purchase, construction, extension, and improvement of real estate, plants, buildings, structures or facilities, whether or not now in existence, used or to be used primarily as a factory, assembly plant, manufacturing plant, fabricating plant, distribution center, warehouse building, office building, port terminal or facility, transportation and transfer facility, industrial plant, processing plant, commercial or agricultural facility, nursing or retirement facility or combination thereof, recreational facility **other than a facility for use by any professional athletic team as defined in section 143.183, RSMo, or by any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo,** cultural facility, public facilities, job training or other vocational training facility, infrastructure facility, video-audio telecommunication conferencing facility, office building, facility for the prevention, reduction, disposal or control of pollution, sewage or solid waste, facility for conducting export trade activities, or research and development building in connection with any of

the facilities defined as a project in this subdivision. The term “project” shall also include any improvements, including, but not limited to, road or rail construction, alteration or relocation, and construction of facilities to provide utility service for any of the facilities defined as a project under this subdivision, along with any fixtures, equipment, and machinery, and any demolition and relocation expenses used in connection with any such projects and any capital used to promote and facilitate such facilities and notes payable from anticipated revenue issued by any development agency;

(14) “Public facility”, any facility or improvements available for use by the general public including facilities for which user or other fees are charged on a nondiscriminatory basis, **but shall not include any facility for use by a professional athletic team as defined in section 143.183, RSMo, or by any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo.**”

And further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion failed.

Senator Crowell moved that **SS for SCS for SB 718** be adopted, which motion prevailed.

On motion of Senator Crowell, **SS for SCS for SB 718** was declared perfected and ordered printed.

Senator Crowell assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 798; SS for SB 696; and SS for SB 1066**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 665** and **SB 757**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 665 and 757, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 665 and 757

An Act to repeal sections 252.040 and 252.043, RSMo, and to enact in lieu thereof three new sections relating to poaching, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS for SBs 665 and 757** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 665 and 757, Page 1, Section 252.038, Line 17, by striking the word “seven”; and

Further amend said section, page 2, line 18, by striking the words “thousand five hundred” and inserting in lieu thereof the following: “**five thousand**”.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Engler, **SB 665** and **SB 757**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Shields moved that **SB 901** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Shields, **SB 901** was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

On behalf of Senator Barnitz and himself, Senator Kennedy introduced to the Senate, Patrick and Marla Dell and Lisa Dudenhoeffer, St. Louis.

Senator Wilson introduced to the Senate, Leaders Rosie Singleton, Irene Watson, Kara Franks, TeAndrea Tombs, Bernadette Lewis, Stephanie Boyd and Scouts Chantel and Viviana

Lewis, Tiffany Martin, Simone Edgers, Stephanie Boyd, Sara Walker, Jewel Stovall and Nanette and Kambri Hall, members of St. James United Methodist Church-Girl Scout Troops.

Senator Graham introduced to the Senate, Head Wrestling Coach Brian Smith and Ben Askren, NCAA Wrestling Champion, University of Missouri, Columbia.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Marla Tobin, M.D., Warrensburg.

Senator Gross introduced to the Senate, Mike Marino, David Rothman and his son, A.J., and fourth grade students from John Weldon Elementary School, Weldon Springs.

Senator Gibbons introduced to the Senate, fifty-four undergraduate students and their families from the four campuses of the University of Missouri System.

Senator Green introduced to the Senate, Susan Vinson and Arthur Reichardt, parents and seventh grade students from St. Angela Merici Elementary School, Florissant; and Matthew Adams, Dylan Barnes, Kelsey Etter and Mary Ising were made honorary pages.

Senator Scott introduced to the Senate, his

son, Tim, and Randy Jones, Eric Farran, Greg Castor, Nolan Davis, Barbara Bland, Brooke Davis, Lindsay Daniel, Taylor Seitz, Kristen Castor, Brooke Bland and Emily Jones, students and adults from El Dorado Springs School.

Senator Loudon introduced to the Senate, Elana Viviano, Florissant; Meghan Fisher, Hazelwood; and Ruhan Nagra, Chesterfield.

Senator Gross introduced to the Senate, his wife, Leslie, St. Charles.

Senator Goodman introduced to the Senate, Shanna Jelinek, Jacquie Farmer, Jamie Zengotita, Nichole Turner, Bob Jack and Abby Biellier, Lexi Farmer, Morgan Grace, Ethan Hartline, Dakota Jack, Blair Tettenhorst, Whitney Turner, Monica Zengotita and Emily Hesema, fourth grade students from Trinity Lutheran School, Freistatt.

Senator Graham introduced to the Senate, members of the Columbia Chamber of Commerce Leadership Class, Columbia.

Senator Scott introduced to the Senate, his wife, Donna, Lowry City; Brent and Stephanie Woods and their children, Harold and Nikita, Fulton; and Harold and Betty Rosbrugh, Rockville.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY—WEDNESDAY, APRIL 5, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1099
HB 1144-May, et al
HCS for HB 1149

HB 1477-Schaaf
HB 1504-Yates
HB 1577-Pollock, et al

HCS for HBs 1617 & 1374
 HCS for HB 1739
 HCS for HB 1762
 HB 1858-Lipke
 HB 1988-Wagner, et al
 HCS for HB 1053
 HB 1088-Schaaf, et al
 HCS for HB 1135
 HCS for HBs 1382 & 1158
 HB 1411-Smith (150), et al
 HB 1488-Roorda, et al
 HCS for HB 1552

HB 1623-St. Onge, et al
 HB 1653-Walton
 HCS for HB 1679
 HCS#2 for HB 1703
 HB 1707-Dusenberg, et al
 HCS for HB 1710
 HCS for HB 1711
 HCS for HB 1746
 HCS for HB 1787
 HB 1936-Tilley
 HCS for HB 1511

THIRD READING OF SENATE BILLS

SS for SCS for SBs 613, 1030 &
 899-Engler
 SB 1037-Mayer
 SCS for SB 1064-Stouffer
 SS for SCS for SB 894-Nodler

SCS for SRB 848-Bartle
 SB 780-Klindt
 SCS for SB 798-Nodler
 SS for SB 696-Nodler
 SS for SB 1066-Klindt

SENATE BILLS FOR PERFECTION

1. SB 882-Engler, with SCS
2. SB 1072-Loudon
3. SB 642-Scott
4. SB 841-Ridgeway, et al, with SCS
5. SB 895-Engler, with SCS
6. SB 1081-Clemens, with SCS
7. SB 912-Goodman, et al, with SCS
8. SJR 31-Ridgeway and Shields
9. SB 1049-Shields, with SCS
10. SB 1041-Gibbons, with SCS
11. SB 1058-Loudon
12. SB 969-Stouffer, with SCS
13. SB 1103-Goodman
14. SB 788-Klindt, with SCS
15. SB 1188-Gibbons
16. SB 1236-Engler, with SCS
17. SB 904-Griesheimer, with SCS
18. SB 1102-Alter

19. SB 924-Klindt, with SCS
20. SB 874-Shields, et al
21. SB 913-Vogel, with SCS
22. SB 1229-Champion, et al, with SCS
23. SBs 567 & 792-Dougherty, et al, with SCS
24. SB 770-Mayer and Crowell
25. SB 1023-Gibbons, et al
26. SB 1222-Goodman, with SCS
27. SB 1038-Mayer
28. SB 862-Engler, with SCS
29. SB 736-Crowell and Cauthorn, with SCS
30. SB 1114-Goodman & Loudon, with SCS
31. SBs 1239 & 1091-Gibbons, with SCS
32. SBs 1210, 1244 & 844-Koster, et al,
 with SCS
33. SB 961-Ridgeway, with SCS
34. SB 1027-Mayer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 849-Mayer, et al, with SS, SA 6 &
SB 617-Koster, with SCS	SA 1 to SA 6 (pending)
SB 635-Cauthorn	SB 953-Engler, et al, with SCS
SB 637-Cauthorn, et al, with SCS & SA 3	SB 976-Gibbons, with SCS
(pending)	SBs 1014 & 730-Scott and Gibbons,
SBs 665 & 757-Engler, with SCS & SA 1	with SCS, SS for SCS, SA 1 & SSA 3
(pending)	for SA 1 (pending)
SB 816-Griesheimer and Coleman,	SBs 1031 & 846-Klindt,
with SCS & SS#2 for SCS (pending)	with SCS
SB 817-Scott, et al	SB 1104-Cauthorn and Klindt,
SB 820-Koster, with SCS	with SCS
SB 832-Griesheimer, with SCS,	SJR 26-Ridgeway and Graham
SS for SCS & SA 1 (pending)	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS	SCR 32-Days
SCR 28-Days	SCR 31-Purgason, et al
SCR 29-Graham	SR 2363-Gross

To be Referred

HCR 4-Bruns	HCR 25-Bowman, et al
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MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY—WEDNESDAY, APRIL 5, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will put my law within them, and I will write it on their hearts, and I will be their God, and they shall be my people.”
(Jeremiah 31:33b)

Almighty God, we pray this day for that time when Your law will be within the hearts of Your people and all will live by Your law. But in this in-between time we ask that the laws we pass, although not perfect as Yours, may be helpful and wholesome for the people of this state. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2608, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Anderson Piercy, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2609, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Day, which was adopted.

Senator Purgason offered Senate Resolution No. 2610, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gayle Broyles, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2611, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Pete Marshall,

Prescott, Arizona, which was adopted.

Senator Purgason offered Senate Resolution No. 2612, regarding the Eighty-first Birthday of Janey Kathryn Robinson Light, Lebanon, which was adopted.

Senator Clemens offered Senate Resolution No. 2613, regarding Leroy Blunt, Marshfield, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2614

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Lounge and the Senate Chamber for the purposes of its Youth in Government program on November 30, 2006 through December 2, 2006.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2614** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2614** was adopted.

Senators Bray and Dougherty offered the following resolution:

SENATE RESOLUTION NO. 2615

WHEREAS, worldwide exposure to chemical pesticides brings about greater harm than most people realize; and

WHEREAS, more than 3 billion kilograms of pesticides are spread on the earth annually, exposing both human and wildlife populations to chemicals, with potentially serious repercussions for

life everywhere; and

WHEREAS, our children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths; and

WHEREAS, chemical pesticides applied outdoors are washed into our waterways and our drinking water sources. Several types of cancer, neurological diseases, endocrine disorders, and birth defects have been associated with exposure to common pesticides; and

WHEREAS, pregnant women, children, asthmatics, cancer patients, elderly, and other immune compromised people and migratory birds are all highly vulnerable to toxic effects of chemical pesticides; and

WHEREAS, more than 40 years ago, the well-known writer, scientist, and ecologist Rachel Carson alerted America and the world to the potential hazards of pesticides in her landmark book, "Silent Spring." Despite the warning, the quantity of pesticides used in our country has continued to grow over the years and poses a potential threat to all life forms:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, hereby designate May 27, 2006, as Rachel Carson Day in Missouri in honor of her prophetic work and urge the citizens of Missouri to focus their attention on the potentially serious hazards associated with chemical pesticides; and

BE IT FURTHER RESOLVED that members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, encourage citizens throughout Missouri to observe this day, the birth date of Rachel Carson, by refraining from using chemical pesticides on this day and ask the citizens of Missouri for their cooperation in seeking alternative methods of pest management; and

BE IT FURTHER RESOLVED that the secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the Governor of Missouri.

Senator Champion offered Senate Resolution No. 2616, regarding Scott Bailes, which was adopted.

Senator Champion offered Senate Resolution No. 2617, regarding Dr. David Stair, which was adopted.

Senator Champion offered Senate Resolution No. 2618, regarding Tom Mast, which was adopted.

Senator Champion offered Senate Resolution No. 2619, regarding Larry S. Hazelrigg, which was

adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 596**; **SS** for **SCS** for **SB 892**; and **SB 643**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 882**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 882**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 882

An Act to amend chapter 319, RSMo, by adding thereto fifteen new sections relating to blasting and excavation, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 882** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 882**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 882

An Act to amend chapter 319, RSMo, by adding thereto fifteen new sections relating to blasting and excavation, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 882** be adopted.

Senator Crowell assumed the Chair.

Senator Barnitz offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate

Committee Substitute for Senate Bill No. 882, Page 11, Section 319.306, Line 23, by striking the word, "December 31, 1995" and inserting in lieu thereof the following:

"December 31, 2000".

Senator Barnitz moved that the above amendment be adopted.

Senator Shields announced that members of the Gasconade, Reynolds and Iron Counties Sheriffs Department had been given permission to enter the Chamber with sidearms.

SA 1 was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882, Page 37, Section 319.339, Line 11 of said page, by inserting immediately after "319.339" the following: **", unless such ordinance, order, permit, or regulation, in effect as of August 28, 2006 shall exclusively regulate the use of explosives at the site of a quarry. For purposes of this section, quarry shall include any place where rock, ore, stone, or similar materials are excavated for sale or off-premise use. A quarry shall not include the removal or relocation of rock, stone, or earth incidental to the construction of residential, commercial, or industrial buildings".**

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 2** was withdrawn.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882,

Page 37, Section 319.339, Line 11, by inserting immediately after the word “319.339” the following:

“, unless such ordinance, order, permit, or regulation, in effect as of April 5, 2006, shall exclusively regulate the use of explosives at the site of a quarry in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants. For purposes of this section, quarry shall include any place where rock, ore, stone, or similar materials are excavated for sale or off-premise use. A quarry shall not include the removal or relocation of rock, stone, or earth incidental to the construction of residential, commercial, or industrial buildings”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882, Page 37, Section 319.339, Line 13, by inserting immediately after all of said line the following:

“Section 1. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 319.300 to 319.339, RSMo, shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove or annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006,

shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882, Page 11, Section 319.306, Line 24, by inserting immediately before the word “experience” the following:

“training or education pertaining to blasting and”

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SB 882**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 882**, as amended, was declared perfected and ordered printed.

SB 1072 was placed on the Informal Calendar.

SB 642 was placed on the Informal Calendar.

SB 841, with **SCS**, was placed on the Informal Calendar.

SB 895, with **SCS**, was placed on the Informal Calendar.

SB 1081, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 912**, with **SCS**, was placed on the Informal Calendar.

SJR 31 was placed on the Informal Calendar.

At the request of Senator Shields, **SB 1049**, with **SCS**, was placed on the Informal Calendar.

SB 1041, with **SCS**, was placed on the Informal Calendar.

SB 1058 was placed on the Informal Calendar.

SB 969, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1103** was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 788**, with **SCS**, was placed on the Informal Calendar.

SB 1188 was placed on the Informal Calendar.

SB 1236, with **SCS**, was placed on the Informal Calendar.

SB 904, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Alter, **SB 1102** was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 924**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 874** was placed on the Informal Calendar.

At the request of Senator Vogel, **SB 913**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Champion, **SB 1229**, with **SCS**, was placed on the Informal Calendar.

SB 567 and **SB 792**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Mayer, **SB 770** was placed on the Informal Calendar.

SB 1023 was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1222**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 1038** was placed on the Informal Calendar.

SB 862, with **SCS**, was placed on the Informal Calendar.

SB 736, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1114**, with **SCS**, was placed on the Informal Calendar.

SB 1239 and **SB 1091**, with **SCS**, were placed on the Informal Calendar.

Senator Engler moved that **SB 953**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Koster assumed the Chair.

SCS for **SB 953**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 953

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof forty-four new sections relating to the regulation of title insurance, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Engler moved that **SCS** for **SB 953** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 953**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 953

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof forty-four new sections relating to the regulation of title insurance, with penalty provisions and an effective date for certain sections.

Senator Engler moved that **SS** for **SCS** for **SB 953** be adopted.

Senator Goodman assumed the Chair.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 953, Pages 20-21, Section 381.005, of said page, by striking said section from the bill; and

Further amend said bill, Page 21, Section

381.008, Lines 6 to 9 of said page, by striking said section from the bill; and

Further amend said bill, Page 22, Section 381.009, Line 17 of said page, by striking: “nonmanagement” and inserting in lieu thereof the following: “**non-management**”; and

Further amend said bill and section, Page 24, Line 19 of said page by inserting after “(17)” the following: “**Premium**”, the charge that is made by a title insurer directly or through a title agent or title agency for the issuance of a title insurance policy or a closing or settlement protection letter that the title insurer is required to issue under this chapter and shall be limited only to title insurers' reasonable overhead and reasonable miscellaneous expenses and other amounts necessary to cover expected losses and loss adjustment expense from underwriting the risk associated with the issuance of such title policy and any such closing or settlement protection letter but shall exclude:

(a) Any commission to be retained by or payable to any title agent or title agency;

(b) An amount equal to any such commission when a title agent or title agency is not involved in the issuance of a title insurance policy;

(c) Overhead and miscellaneous expenses and profit margin incurred by or belonging to the title agent or title agency;

(d) Any other costs and expenses incurred by a title agent or title agency; and

(e) Any charges or fees for related title services;

(18)”; and

Further amend said section, page 25, line 3 of said page, by striking “(18)” and inserting in lieu thereof the following: “(19)”; and further amend line 6 of said page, by inserting after all of said line the following:

“(20) **“Related title services”, services performed by a title insurer, title agency or title agent including, but not limited to, preparing or obtaining an abstract, title search, or title examination, examining title, examining searches of the records of a Uniform Commercial Code filing office and such other information as may be necessary or appropriate, preparing documents necessary to close the transaction, conducting the closing, or handling the escrow, settlement, and disbursing of funds related to the closing in a real estate closing transaction in which a title insurance commitment or policy is to be issued, issuance of closing or settlement protection letters other than those required to be issued by a title insurer under this chapter, provision of or any endorsement or special coverage; and noninsurance-related information services, or any other items or services not specified in this chapter;**”; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 31, Section 381.019, Line 23 of said page, by inserting after “fees;” the following: **“and”**; and further amend line 24 of said page, by striking said line; and further amend line 25 of said page, by striking: **“(5)”** and inserting in lieu thereof the following: **“(4)”**; and

Further amend said bill, Page 38, Section 381.028, Line 28 of said page, by inserting after “director” the following: **“and except for rebates, discounts, abatement, credit or reduction, favors, advantages, consideration, or inducements relative to fees and charges for related title services or other fees and charges not comprising the premium”**; and

Further amend said bill and section, Page 39, Line 15 of said page, by inserting after “section.” the following: **“Provided, however, nothing in this section shall prevent or prohibit or be deemed or construed to prevent or prohibit a**

title insurer from negotiating with a title agency or title agent the amount of any commission to be retained by or paid by the title insurer to the title agency or title agent or other fees and charges not comprising the premium or to prevent or prohibit or be deemed or construed to prevent or prohibit a title insurer, title agency, title agent or employee or representative thereof from rebating to the insured all or any portion of any commission or otherwise to prevent or prohibit or be deemed or construed to prevent a title insurer, title agency, title agent or employee or representative from negotiating the charges and fees payable by an insured for related title services or which do not comprise the premium.”; and

Further amend said bill, Page 42, Section 381.033, Line 11 of said page, by striking the word “that” and inserting in lieu thereof the following: **“if such premium”**; and

Further amend said bill, Page 48, Section 381.058, Line 3 of said page, by inserting after the word “protection” the following: **“letter”**; and further amend line 4 of said page, by inserting after “interest” the following: **“as a related title service”**; and further amend said line by inserting after “protection” the following: **“letter”**; and further amend lines 14-18 of said page, by striking said lines and inserting in lieu thereof the following:

“(2) The charge for issuance of the closing or settlement protection letter required to be issued under subsection 3 of this section shall be filed as a rate with the director under section 381.032.”; and

Further amend said bill, Page 114, Section B, Line 32, by inserting after “381.161,” the following: **“381.171,”**; and

Further amend said section, page 115, line 3 of said page, by inserting after “381.028,” the following: **“381.032,”**; and

Further amend said bill, Page 115, Section C, Lines 10 to 12 of said page, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Shields announced that members of the Clay County Sheriff's Department had been given permission to enter the Chamber with sidearms.

SA 1 was again taken up.

Senator Loudon moved that the above amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Engler, **SB 953**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 4—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **HCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SB 1037**; **SB 780**; and **SS** for **SB 696** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate

was called to order by Senator Crowell.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 953**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 953, Page 4, Section 374.046, Line 12, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and further amend line 18 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill, Page 11, Section 374.047, Line 20 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill, Page 12, Section 374.048, Line 12 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and further amend line 17 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill and section, Page 14, Line 14 of said page, by inserting after the word "chapter" the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill, Page 15, Section 374.049, Line 5 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and further amend line 17 of said page, by inserting after the word "chapter" as it appears first

on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend said bill and section, Page 16, Line 10 of said page, by inserting after the word “chapter” as it appears first on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend said bill and section, Page 17, Line 4 of said page, by inserting after the word “chapter” as it appears first on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend said bill, Pages 18 to 19, Section 374.051, by striking all of said section from the bill; and

Further amend said bill, Page 19, Section 374.055, Line 25 of said page, by inserting after the word “chapter” as it appears first on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 953, Page 24, Section 381.009, Line 2 of said page, by inserting after all of said line the following:

“(14) “Marketable title”, when an original title to land has emanated from the government, and all persons who appear in the chain of title to have had any interest in the record title during the last forty-five years have conveyed to the last record owner or persons through whom he or she derives title, and it is established by affidavits or other instruments recorded and included in the chain or title that he or she and persons through whom he or she derives title

have been in continuous, open, exclusive, and peaceable possession of the land for the last twenty-seven years;”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SB 953**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 953**, as amended, was declared perfected and ordered printed.

Senator Koster moved that **SB 1210, SB 1244** and **SB 844**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1210, 1244** and **844**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1210, 1244 and 844

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof seven new sections relating to Medicaid fraud, with penalty provisions.

Was taken up.

Senator Koster moved that **SCS** for **SBs 1210, 1244** and **844** be adopted.

Senator Koster offered **SS** for **SCS** for **SBs 1210, 1244** and **844**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1210, 1244 and 844

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof seven new sections relating to Medicaid fraud, with penalty provisions.

Senator Koster moved that **SS** for **SCS** for **SBs 1210, 1244** and **844** be adopted.

At the request of Senator Koster, **SB 1210, SB 1244** and **SB 844**, with **SCS** and **SS** for **SCS**

(pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 589**; **SB 689**; **SCS for SB 646**; **SCS for SB 690**; **SS for SCS for SB 825**; **SB 901**; and **SS for SCS for SB 718**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SB 589** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 832**, with **SCS**, **SS for SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Shields assumed the Chair.

SA 1 was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Pages 1-8, Section 99.805, by striking all of said section and inserting in lieu thereof the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of [defective or inadequate

street layout,] unsanitary or unsafe conditions, deterioration of site improvements, [improper subdivision or obsolete platting,] or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes [an economic or] a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. **The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or is considered an economic liability or that the land is economically underutilized shall not be a valid factor in determining blight. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) The property is located in an area of “high unemployment”. For purposes of this section, the term “high unemployment” shall mean unemployment in the proposed redevelopment area of at least two times that of the metropolitan statistical area in which the area is located or, two times the unemployment rate of non-metropolitan counties if the area is not located in a metropolitan statistical area; and

(b) The property is one with “low fiscal capacity”. For purposes of this section, the term “low fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than fifty percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous three reassessment periods; and

(c) The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by low income. For purposes of this section, the term “low income” shall mean

either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.

The determination of blight shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding of blight. Such findings shall be reviewed de novo by a court of competent jurisdiction, at the request of any owner of property deemed blighted;

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, [any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards;

abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997] **any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an effective age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area by reason of the predominance of unsanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue, or is considered an economic liability, or that the land is economically underutilized shall not be a valid factor in declaring an area a conservation area. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) **The property is located in an area of “moderate unemployment”. For purposes of this section, the term “moderate unemployment” shall mean unemployment in the proposed redevelopment area of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of non-metropolitan counties if the area is not**

located in a metropolitan statistical area; and

(b) The property is one with “reduced fiscal capacity”. For purposes of this section, the term “reduced fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than seventy percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous two reassessment periods; and

(c) The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by reduced income. For purposes of this section, the term “reduced income” shall mean either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under eighty-five percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under eighty-five percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.

The determination that an area is a conservation area shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding. Such findings of fact shall be reviewed de novo, by a court of competent jurisdiction, at the request of any owner of property deemed a conservation area;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) [“Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

[(6)] (6) “Gambling establishment”, an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

[(7)] (6) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, “municipality” applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] (7) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] (8) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] (9) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation

financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] (10) “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, [an economic development area,] an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

[(12)] (11) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, [economic development area,] or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] (12) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] (13) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and

specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, [legal,] marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, [demolition of buildings,] and the clearing and grading of land;

(d) [Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

[(g)] (e) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

[(h)] (f) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

[(i)] (g) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or

state law;

[(j)] (h) Payments in lieu of taxes;

Legal fees incurred during a redevelopment project shall not constitute redevelopment project costs and the party incurring such costs shall be responsible for payment;

[(15)] (14) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] (15) "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] (16) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

[(18)] (17) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings."; and

Further amend said bill, pages 8-10, section 99.810, by striking all of said section and inserting in lieu thereof the following:

"99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be

subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area[,] **or** a conservation area, [or an economic development area,] and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the

economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.”; and

Further amend said bill, pages 10-18, section 99.820, by striking all of said section from the bill; and

Further amend said bill, pages 18-22, section 99.825, by striking all of said section and inserting in lieu thereof the following:

“99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public

hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. **An ordinance providing for a tax increment finance project for residential development or redevelopment shall not be approved unless unanimous consent for such project is granted by the members of the tax increment finance commission representing the interest of the school boards whose districts are included within the redevelopment plan or redevelopment area.** After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a

redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within [an economic development] **a blighted area or conservation area** shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.”; and

Further amend said bill, pages 22-23, section 99.827, by striking all of said section from the bill; and

Further amend said bill, pages 24-25, section 99.841, by striking all of said section from the bill; and

Further amend said bill, pages 25-40, section 99.845, by striking all of said section from the bill; and

Further amend said bill, pages 40-41, section 99.847, by striking all of said section from the bill; and

Further amend said bill, pages 41-45, section 99.865, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Crowell assumed the Chair.

Senator Green requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Barnitz, Bray, Callahan and Coleman.

Senator Green offered **SSA 1** for **SA 2**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 1, Section 99.805, Lines 9-16, by striking all of said lines; and further amend said section, page 2, line 1 by striking all of said line and inserting in lieu thereof the following:

“(1) “Blighted area”, any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(a) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of four or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the improved part of the redevelopment project area:

a. Dilapidation. “Dilapidation” means an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed;

b. Obsolescence. “Obsolescence” means the condition or process of falling into disuse; structures have become ill-suited for the original use;

c. Deterioration. “Deterioration” means with respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas show deterioration, including but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces;

d. Presence of structures below minimum code standards. “Presence of structures below minimum code standards” means all structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes;

e. Illegal use of individual structures. “Illegal use of individual structures” means the use of structures in violation of applicable federal, state, or local laws, exclusive of those applicable to the presence of structures below minimum code standards;

f. Excessive vacancies. “Excessive vacancies” means the presence of buildings that are unoccupied or under-used and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies;

g. Lack of ventilation, light, or sanitary facilities. “Lack of ventilation, light, or sanitary facilities” means the absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate

sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building;

h. Inadequate utilities. “Inadequate utilities” means underground and overhead utilities such as storm sewers, storm drainage, sanitary sewers, waterlines, gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are:

(i) Of insufficient capacity to serve the uses in the redevelopment project area;

(ii) Deteriorated, antiquated, obsolete, or in disrepair; or

(iii) Lacking within the redevelopment project area;

i. Excessive land coverage and overcrowding of structures and community facilities. “Excessive land coverage and overcrowding of structures and community facilities” means the over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are:

(i) The presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety; and

(ii) The presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings; increased threat of spread of fire due to the close proximity of buildings; lack of adequate or proper access to a public

right-of-way; lack of reasonably required off-street parking; or inadequate provision for loading and service;

j. Deleterious land use or layout. “Deleterious land use or layout” means the existence of incompatible land use relationships, buildings occupied by inappropriate mixed uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area;

k. Environmental clean-up. “Environmental clean-up” means the proposed redevelopment project area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency (EPA) remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

l. Lack of community planning. “Lack of community planning” means the proposed redevelopment project area was developed before or without the benefit or guidance of a community plan, or before the adoption by the municipality of a comprehensive or other community plan or the plan was not followed at the time of the area's development. This factor shall be documented by evidence of adverse or incompatible land use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning;

m. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years

before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;

(b) If vacant, the growth of the redevelopment project area is impaired by a combination of two or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

a. Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities;

b. Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development;

c. Tax and special assessment delinquencies exist or the property has been the subject of tax sales under Missouri property tax laws within the last five years;

d. Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land;

e. The area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

f. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;”.

Senator Green moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Barnitz, Callahan and Days.

SSA 1 for SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Days	Dougherty
Engler	Graham	Green	Gross
Kennedy	Scott—10		

NAYS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Coleman	Crowell
Gibbons	Goodman	Griesheimer	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Vogel	Wheeler	Wilson—23	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

SA 2 was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Callahan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 6, Section 99.805, Line 20, by inserting immediately after the word “applicable.” the following:

“Legal fees incurred as a result of a redevelopment project or plan shall not constitute redevelopment project costs, and the party incurring such costs shall be responsible for payment.”; and

Further amend said bill, section and page, line 24 by striking the word “legal,”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 832**, with **SCS, SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2620, regarding Dorn Schuffman, which was adopted.

Senator Gross offered Senate Resolution No. 2621, regarding Vince Schneider, which was adopted.

Senator Gross offered Senate Resolution No. 2622, regarding the St. Charles City-County Library District, which was adopted.

Senator Gross offered Senate Resolution No. 2623, regarding Denise Liebel, which was adopted.

Senator Gross offered Senate Resolution No. 2624, regarding Ameristar Casino, which was adopted.

Senator Gross offered Senate Resolution No. 2625, regarding Behavioral Health Response, which was adopted.

Senator Gross offered Senate Resolution No. 2626, regarding Laura Heebner, which was adopted.

Senator Gross offered Senate Resolution No. 2627, regarding the Honorable Michael R. Gibbons, which was adopted.

Senator Gross offered Senate Resolution No. 2628, regarding Denise Gould, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2629, regarding Scheer Sales and Service, New Haven, which was adopted.

Senator Nodler offered Senate Resolution No. 2630, regarding David W. Gibson, Webb City, which was adopted.

Senator Dougherty offered Senate Resolution No. 2631, regarding the Missouri House of Representatives freshman class of 1978, which was adopted.

Senator Engler offered Senate Resolution No. 2632, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Don Berlin Santhuff, Centerville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Kim Drury and forty-eight fourth grade students

from St. Peter School, Kirkwood; and Brendan Doyle, Annie Madden, Joe Mueller and Julia Wilcutt were made honorary pages.

Senator Kennedy introduced to the Senate, Julie Murphy and Tom McCoy, St. Louis County.

Senator Engler introduced to the Senate, Sheriff Greg Melton, Gasconade County; and Sheriff Clint Reeves, Shannon County.

Senator Goodman introduced to the Senate, NAIA Coach of the Year, Steven Shepherd; NAIA Champions, the College of the Ozarks Men's Basketball Team; and NAIA second runner-up, the College of the Ozarks Women's Basketball Team.

Senator Coleman introduced to the Senate, State Youth of the Year Winner, Abbie McLaughlin and staff and volunteers from the Boys and Girls Clubs from across the state.

Senator Coleman introduced to the Senate, Theresa Loveless and Kathy Dabrowski, St. Louis; Alicia Rollins, Hannibal; Libby Mobley and Cindy Weber, Dexter; Tina Stillwell and Anne Soots, Springfield; Pam Henrickson, Roberta Henson and Constance Bearnese, Jefferson City; Duana Dralus and Karen McGuigan, Kansas City; Debbie Zabica, St. Joseph; and Jean Bollinger and Denise Stewart, Cape Girardeau, representatives of Missouri Girl Scout Councils.

Senator Barnitz introduced to the Senate, Mark Corio, Columbia; Beau White and Turner Oliver, Macon; and Jennifer R. Stewart, Imperial.

Senator Griesheimer introduced to the Senate, fifty-five fourth grade students from Twin Oaks Christian School, Wildwood.

Senator Days introduced to the Senate, Sydney Cross, St. Louis.

Senator Wilson introduced to the Senate, Jan Wickenhauser, Alton, Illinois.

Senator Engler introduced to the Senate, Sheriff Gary Barton, Reynolds County; and Sheriff

Allen Mathis, Iron County.

Senator Alter introduced to the Senate, fifth and sixth grade students from Christian Outreach School, Hillsboro.

Senator Graham introduced to the Senate, Addie Shoults, Columbia.

Senator Kennedy introduced to the Senate, Mark Finegar and Kacie Moser, St. Louis.

Senator Loudon introduced to the Senate, Susan Low and fourteen seventh grade students from Solomon Schechter Day School, Creve Coeur.

Senator Gross introduced to the Senate, County Executive Joe Ortwerth, St. Charles.

Senator Gibbons introduced to the Senate, one hundred twenty fourth grade students from North Glendale Elementary School.

Senator Gibbons introduced to the Senate, Josh, Matt, Iesha, Kim, Asha, Kristin, Caroline, Laura, Maggie, Rachel, Katie, Jennifer, Christine and Kristin, Youth in Government students from around Missouri.

Senator Griesheimer introduced to the Senate, Almeda Pisarsky and Katie Walker, Washington; Christina Barker, Bourbon; and Cynthia Taylor, New Haven.

Senator Engler introduced to the Senate, Lana Jilkerson, Teri Douglas, Jesse Williams and twenty-six nursing students from Mineral Area College, Park Hills.

Senator Scott introduced to the Senate, his step-brother, Marley McLerran, Lowry City; and Tom Killebrew, El Dorado Springs.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gerald Moritz, M.D., Bridgeton.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTIETH DAY—THURSDAY, APRIL 6, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1099
HB 1144-May, et al
HCS for HB 1149
HB 1477-Schaaf
HB 1504-Yates
HB 1577-Pollock, et al
HCS for HBs 1617 & 1374
HCS for HB 1739
HCS for HB 1762
HB 1858-Lipke
HB 1988-Wagner, et al
HCS for HB 1053
HB 1088-Schaaf, et al
HCS for HB 1135
HCS for HBs 1382 & 1158

HB 1411-Smith (150), et al
HB 1488-Roorda, et al
HCS for HB 1552
HB 1623-St. Onge, et al
HB 1653-Walton
HCS for HB 1679
HCS#2 for HB 1703
HB 1707-Dusenberg, et al
HCS for HB 1710
HCS for HB 1711
HCS for HB 1746
HCS for HB 1787
HB 1936-Tilley
HCS for HB 1511

THIRD READING OF SENATE BILLS

- | | |
|---|---|
| 1. SS for SCS for SBs 613, 1030 & 899-Engler | 11. SS for SCS for SB 892-Scott |
| 2. SB 1037-Mayer (In Fiscal Oversight) | 12. SB 643-Scott |
| 3. SCS for SB 1064-Stouffer | 13. SB 589-Bartle (In Fiscal Oversight) |
| 4. SS for SCS for SB 894-Nodler | 14. SB 689-Scott |
| 5. SCS for SRB 848-Bartle | 15. SCS for SB 646-Griesheimer |
| 6. SB 780-Klindt (In Fiscal Oversight) | 16. SCS for SB 690-Champion |
| 7. SCS for SB 798-Nodler | 17. SS for SCS for SB 825-Koster |
| 8. SS for SB 696-Nodler (In Fiscal Oversight) | 18. SB 901-Shields |
| 9. SS for SB 1066-Klindt | 19. SS for SCS for SB 718-Crowell |
| 10. SS for SB 596-Days | |

SENATE BILLS FOR PERFECTION

SB 961-Ridgeway, with SCS

SB 1027-Mayer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS

SBs 567 & 792-Dougherty, et al, with SCS

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS &
SA 3 (pending)

SB 642-Scott

SBs 665 & 757-Engler, with SCS &
SA 1 (pending)

SB 736-Crowell and Cauthorn, with SCS

SB 770-Mayer and Crowell

SB 788-Klindt, with SCS

SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending)

SB 817-Scott, et al

SB 820-Koster, with SCS

SB 832-Griesheimer, with SCS, SS for SCS
& SA 3 (pending)

SB 841-Ridgeway, et al, with SCS

SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)

SB 862-Engler, with SCS

SB 874-Shields, et al

SB 895-Engler, with SCS

SB 904-Griesheimer, with SCS

SB 912-Goodman, et al, with SCS

SB 913-Vogel, with SCS

SB 924-Klindt, with SCS

SB 969-Stouffer, with SCS

SB 976-Gibbons, with SCS

SBs 1014 & 730-Scott and Gibbons, with
SCS, SS for SCS, SA 1 & SSA 3 for
SA 1 (pending)

SB 1023-Gibbons, et al

SBs 1031 & 846-Klindt, with SCS

SB 1038-Mayer

SB 1041-Gibbons, with SCS

SB 1049-Shields, with SCS

SB 1058-Loudon

SB 1072-Loudon

SB 1081-Clemens, with SCS

SB 1102-Alter

SB 1103-Goodman

SB 1104-Cauthorn and Klindt, with SCS

SB 1114-Goodman & Loudon, with SCS

SB 1188-Gibbons

SBs 1210, 1244 & 844-Koster, et al, with
SCS & SS for SCS (pending)

SB 1222-Goodman, with SCS

SB 1229-Champion, et al, with SCS

SB 1236-Engler, with SCS

SBs 1239 & 1091-Gibbons, with SCS

SJR 26-Ridgeway and Graham

SJR 31-Ridgeway and Shields

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

SCR 29-Graham

SCR 32-Days

SCR 31-Purgason, et al

SR 2363-Gross

To be Referred

SR 2615-Bray and Dougherty

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY—THURSDAY, APRIL 6, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Render true judgements, show kindness and mercy each to his brother." (Zachariah 7:8)

Merciful God, help us in the judgements we have to make here in the Senate as well as those we must make in our family and everyday life. Help us always to seek wise counsel and listen to Your voice amid all the voices that far too often just love to hear themselves speak. And, let us be compassionate in our decisions and actions with those You have placed in our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 2633, regarding the Missouri-Arkansas District of Circle K International.

Senator Gross offered Senate Resolution No. 2634, regarding Jerry Kelly Heating and Air Conditioning, Saint Charles, which was adopted.

Senator Bray offered Senate Resolution No. 2635, regarding Burton Wenneker, Ladue, which was adopted.

Senators Bray, Coleman and Days offered Senate Resolution No. 2636, regarding Sophie Catherine Newman, Clayton, which was adopted.

Senator Gross offered Senate Resolution No. 2637, regarding the Patt Holt Singers, Saint

Charles, which was adopted.

Senators Vogel, Days, Coleman and Wilson offered Senate Resolution No. 2638, regarding KJLU-FM, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2639, regarding the Seventy-fifth Birthday of Karl R. Gilmore, which was adopted.

Senator Vogel offered Senate Resolution No. 2640, regarding Tony Pace, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dixie L. Greer, as a member of the State Committee of Dietitians;

Also,

Don L. Warner, as a member of the Board of Geologist Registration;

Also,

Michael T. Force, as a member of the Peace Officer Standards and Training Commission;

Also,

Charles F. Nordwald, Republican, as a member of the State Tax Commission;

Also,

Shawn T. Ordway, Democrat, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Daniel S. Britts, as student representative of Lincoln University Board of Curators;

Also,

Richard B. Jennett, M.D., as a member of the Missouri Training and Employment Council;

Also,

James D. Corwin, Democrat, as a member of the Missouri Emergency Response Commission;

Also,

Owen F. Smith, Republican, as a member of the Missouri Veterinary Medical Board;

Also,

Raquel R. Martinez, as a member of the Missouri Board of Occupational Therapy;

Also,

Promod Kumar, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Vergil L. Belfi, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

H. Dwight Douglas, Republican, as a member of the Missouri Southern State University-Joplin Board of Governors;

Also,

Jolene M. Schulz, Democrat, as a member of the Missouri Community Service Commission;

Also,

Miller M. Leonard, Republican, as a member of the Public Defender Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and

reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1092**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 882**; and **SS** for **SCS** for **SB 953**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1217**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 1185**, **SB 1162**, **SB 1163**, **SB 1174**, **SB 1200** and **SB 1225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Govern-

mental Accountability and Fiscal Oversight, to which were referred **SB 780**; **SB 1037**; **SS** for **SB 696**; and **SB 589**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1076**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1107**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1009**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 655**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1099**—Aging, Families, Mental

and Public Health.

HB 1144—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 1149—Commerce, Energy and the Environment.

HB 1477—Aging, Families, Mental and Public Health.

HB 1504—Small Business, Insurance and Industrial Relations.

HB 1577—Agriculture, Conservation, Parks and Natural Resources.

HCS for HBs 1617 and 1374—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1739—Financial and Governmental Organizations and Elections.

HCS for HB 1762—Transportation.

HB 1858—Judiciary and Civil and Criminal Jurisprudence.

HB 1988—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 1053—Judiciary and Civil and Criminal Jurisprudence.

HB 1088—Small Business, Insurance and Industrial Relations.

HCS for HB 1135—Economic Development, Tourism and Local Government.

HCS for HBs 1382 and 1158—Transportation.

HB 1411—Financial and Governmental Organizations and Elections.

HB 1488—Transportation.

HCS for HB 1552—Pensions, Veterans' Affairs and General Laws.

HB 1623—Transportation.

HB 1653—Education.

HCS for HB 1679—Judiciary and Civil and Criminal Jurisprudence.

HCS No. 2 for HB 1703—Judiciary and Civil and Criminal Jurisprudence.

HB 1707—Economic Development, Tourism and Local Government.

HCS for HB 1710—Economic Development, Tourism and Local Government.

HCS for HB 1711—Economic Development, Tourism and Local Government.

HCS for HB 1746—Financial and Governmental Organizations and Elections.

HCS for HB 1787—Pensions, Veterans' Affairs and General Laws.

HB 1936—Aging, Families, Mental and Public Health.

HCS for HB 1511—Education.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 953** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 976**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 976, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 976

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste, with an emergency clause.

Was taken up.

Senator Gibbons moved that **SCS for SB 976** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 976**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 976

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste, with an emergency clause.

Senator Gibbons moved that **SS** for **SCS** for **SB 976** be adopted.

At the request of Senator Gibbons, **SB 976**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Koster moved that **SB 1210**, **SB 1244** and **SB 844**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 1210**, **1244** and **844** was again taken up.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1210, 1244 and 844, Page 23, Section 191.914, Line 10 of said page, by inserting immediately after "191.914." the following: "**1.**"; and further amend line 16 of said page, by inserting immediately after said line the following:

"2. It shall be a class D felony for any person to receive any compensation in exchange for knowingly failing to report any violation of subsections 1 to 3 of section 191.905."

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1210, 1244 and 844, Page 13, Section 191.907, Lines 16-17 of said page, by striking the following:

"reasonable attorney fees,".

Senator Koster moved that the above amendment be adopted.

Senator Shields announced that photographers from KOMU-TV and KRCG-TV had been given permission to take pictures in the Senate Chamber.

SA 2 was again taken up.

Senator Griesheimer assumed the Chair.

At the request of Senator Koster, **SB 1210**, **SB 1244** and **SB 844**, with **SCS**, **SS** for **SCS**, and **SA 2** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 39**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 613**, **1030** and **899**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 613, 1030 and 899

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 570.223, RSMo, and to enact in lieu thereof eight new sections relating to telephone communication, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SBs 613, 1030 and 899** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1037 was placed on the Informal Calendar.

SCS for **SB 1064**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1064

An Act to repeal sections 226.530 and 226.580, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 1064** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Barnitz Graham—2

Absent—Senator Goodman—1

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 894, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to school districts providing an adequate education to students.

Was taken up.

On motion of Senator Nodler, **SS for SCS for SB 894** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Gibbons	Goodman	Green	Griesheimer
Gross	Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Days	Dougherty
Engler	Graham	Kennedy	Wheeler
Wilson—9			

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SRB 848, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE REVISION BILL NO. 848

An Act to repeal sections 21.435, 21.770, 28.163, 32.051, 32.380, 32.382, 42.160, 58.755, 72.424, 82.460, 82.1050, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 138.236, 140.015, 143.122, 143.172, 143.1010, 143.1011, 143.1012, 144.030, 144.036, 144.041, 160.510, 161.205, 161.655, 169.710, 171.033, 191.938, 197.121, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.550, 302.295, 313.300, 313.301, 319.022, 319.023, 351.025, 354.065, 376.530, 376.550, 388.650, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 644.102, 650.216, and 701.040, RSMo, and to enact in lieu thereof twelve new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

Was taken up by Senator Bartle.

On motion of Senator Bartle, **SCS for SRB 848** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 780, introduced by Senator Klindt, entitled:

An Act to repeal section 386.700, RSMo, and to enact in lieu thereof three new sections relating to the public counsel.

Was taken up.

On motion of Senator Klindt, **SB 780** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Champion	Clemens	Coleman	Crowell
Dougherty	Engler	Gibbons	Goodman
Griesheimer	Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Callahan	Days	Graham
Gross	Kennedy	Wheeler	Wilson—8

Absent—Senator Green—1

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which

the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 798, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 798

An Act to repeal sections 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, and 621.045, RSMo, and to enact in lieu thereof seven new sections relating to architects, professional engineers, and land surveyors, with penalty provisions.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SCS for SB 798** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 976**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 976** was again taken up.

Senator Gibbons moved that **SS** for **SCS** for **SB 976** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 976** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **SR 2615** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SS for **SB 696** was placed on the Informal Calendar.

SS for **SB 1066**, introduced by Senator Klindt, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1066

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications companies.

Was taken up.

On motion of Senator Klindt, **SS** for **SB 1066** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Callahan	Green	Kennedy—3
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Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 596**, introduced by Senator Days, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 596

An Act to repeal sections 475.010 and 475.045, RSMo, and to enact in lieu thereof three new sections relating to standby guardianship of minors.

Was taken up.

On motion of Senator Days, **SS** for **SB 596** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 696**, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 696

An Act to repeal sections 144.030 and 144.062, RSMo, and to enact in lieu thereof two new sections relating to sales tax exemptions for transportation.

Was called from the Informal Calendar and taken up.

On motion of Senator Nodler, **SS** for **SB 696** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 892**, introduced by Senator Scott, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 892

An Act to repeal sections 143.471, 301.215, 306.435, 361.711, 361.715, 362.275, 362.445, 408.555, and 700.385, RSMo, and to enact in lieu thereof twelve new sections relating to financial institutions.

Was taken up.

On motion of Senator Scott, **SS** for **SCS** for **SB 892** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Cauthorn Klindt—2

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 643, introduced by Senator Scott, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

Was taken up.

On motion of Senator Scott, **SB 643** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 589, introduced by Senator Bartle, entitled:

An Act to repeal sections 478.387, 478.463, 478.513, 478.705, and 478.710, RSMo, and to enact in lieu thereof six new sections relating to the judicial circuits.

Was taken up.

On motion of Senator Bartle, **SB 589** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Days
Engler	Gibbons	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—24

NAYS—Senators

Bray	Callahan	Coleman	Dougherty
Goodman	Graham	Green	Nodler—8

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 689, introduced by Senator Scott, entitled:

An Act to repeal sections 105.466, 105.470, 105.473, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof twenty new sections relating to ethics, with penalty provisions.

Was taken up.

On motion of Senator Scott, **SB 689** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Wheeler Wilson—30

NAYS—Senators—None

Absent—Senators

Kennedy Scott—2

NAYS—Senators—None

Absent with leave—Senator Mayer—1

Absent—Senators—None

Vacancies—1

Absent with leave—Senator Mayer—1

The President declared the bill passed.

Vacancies—1

The emergency clause was adopted by the following vote:

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Koster assumed the Chair.

SCS for SB 646, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 646

An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts, with an emergency clause.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS for SB 646** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Nodler	Purgason
Ridgeway	Shields	Stouffer	Vogel

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 690, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 690

An Act to repeal sections 210.145 and 210.183, RSMo, and to enact in lieu thereof two

new sections relating to a child abuse or neglect investigation involving the death of a child.

Was taken up by Senator Champion.

Senator Bartle assumed the Chair.

On motion of Senator Champion, **SCS for SB 690** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 825, introduced by Senator Koster, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 825

An Act to amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District Compact.

Was taken up.

On motion of Senator Koster, **SS for SCS for SB 825** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Callahan—1

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 901, introduced by Senator Shields, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the joint committee on health, with an emergency clause.

Was taken up.

On motion of Senator Shields, **SB 901** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 718, introduced by Senator Crowell, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 718

An Act to repeal sections 8.420, 100.265, and 100.281, RSMo, and to enact in lieu thereof four new sections relating to the issuance of state loans.

Was taken up.

On motion of Senator Crowell, **SS** for **SCS** for **SB 718** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **HB 1532**, entitled:

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, and to enact in lieu thereof fourteen new sections relating to the state emissions inspection program, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1349**, entitled:

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to the family farms act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1317**, entitled:

An Act to repeal sections 191.225, 595.030, 595.209, and 610.105, RSMo, and to enact in lieu thereof five new sections relating to crime victim's rights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1632**, entitled:

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to obtaining, receiving, and selling telephone and cellular phone records without consent, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 994**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1827**, entitled:

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to group health insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1461, 1375, 1110 and 1103**, entitled:

An Act to repeal sections 563.011, 563.031, 563.036, and 563.041, RSMo, and to enact in lieu thereof four new sections relating to the use of force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1182**, entitled:

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to jurisdiction of the juvenile court.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 976**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, seventh and eighth grade students from Trinity Lutheran School, Alma.

Senator Green introduced to the Senate, Mrs. Sigears and Mr. Henke, parents and eighth grade students from St. Rose Philippine Duchesne School, Florissant; and Kyle Garringer, Krista Pulley, Andrew Jedding, Bridget Lancaster and Sarah Podry were made honorary pages.

Senator Engler introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., Potosi.

Senator Loudon introduced to the Senate, Alex, Carrie, Mark, Amy, Gavin, and Alastair Sutherland, George Gerules, Jerry and Rhonda Dyer, Bill Nicoll, Tom and Norma Forrester, Geoff and Judie Chaboude, Anja Lodge, Christopher Fulton and Elisabeth Belcastro, St. Louis.

Senator Goodman introduced to the Senate, Dallas Coleman, Kim Braden and Kathy Brown, Branson; and Tracy Forgey, Springfield; and Dallas was made an honorary page.

Senator Scott introduced to the Senate, Scott, Robyn and Alex Gardner, Lamar.

Senator Stouffer introduced to the Senate, sixth grade students from Wellington-Napoleon School, Wellington.

Senator Crowell introduced to the Senate, students from St. Vincent Elementary School, Cape Girardeau.

Senator Coleman introduced to the Senate, Alan Kelly, Lee's Summit.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, April 10, 2006.

SENATE CALENDAR

FIFTY-FIRST DAY—MONDAY, APRIL 10, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HJR 39-Bearden, et al

HCS for HB 1532

HCS for HB 1349

HCS for HB 1317

HCS for HB 1632

HB 994-Dusenberg, et al

HB 1827-Wasson, et al

HCS for HBs 1461, 1375, 1110 & 1103

HCS for HB 1182

THIRD READING OF SENATE BILLS

SS for SCS for SB 882-Engler

SS for SCS for SB 953-Engler

(In Fiscal Oversight)

SS for SCS for SB 976-Gibbons

SENATE BILLS FOR PERFECTION

SB 961-Ridgeway, with SCS

SB 1027-Mayer, with SCS

SB 1092-Klindt, with SCS

SB 1217-Goodman

SBs 1185, 1162, 1163, 1174, 1200 &
1225-Engler, with SCS

SB 1076-Goodman

SB 1107-Cauthorn

SB 1009-Klindt

SB 655-Nodler, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1037-Mayer

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 913-Vogel, with SCS
SBs 567 & 792-Dougherty, et al, with SCS	SB 924-Klindt, with SCS
SB 617-Koster, with SCS	SB 969-Stouffer, with SCS
SB 635-Cauthorn	SBs 1014 & 730-Scott and Gibbons,
SB 637-Cauthorn, et al, with SCS & SA 3	with SCS, SS for SCS, SA 1 & SSA 3
(pending)	for SA 1 (pending)
SB 642-Scott	SB 1023-Gibbons, et al
SBs 665 & 757-Engler, with SCS &	SBs 1031 & 846-Klindt, with SCS
SA 1 (pending)	SB 1038-Mayer
SB 736-Crowell and Cauthorn,	SB 1041-Gibbons, with SCS
with SCS	SB 1049-Shields, with SCS
SB 770-Mayer and Crowell	SB 1058-Loudon
SB 788-Klindt, with SCS	SB 1072-Loudon
SB 816-Griesheimer and Coleman, with	SB 1081-Clemens, with SCS
SCS & SS#2 for SCS (pending)	SB 1102-Alter
SB 817-Scott, et al	SB 1103-Goodman
SB 820-Koster, with SCS	SB 1104-Cauthorn and Klindt, with SCS
SB 832-Griesheimer, with SCS, SS for	SB 1114-Goodman & Loudon, with SCS
SCS & SA 3 (pending)	SB 1188-Gibbons
SB 841-Ridgeway, et al, with SCS	SBs 1210, 1244 & 844-Koster, et al,
SB 849-Mayer, et al, with SS, SA 6	with SCS, SS for SCS & SA 2 (pending)
& SA 1 to SA 6 (pending)	SB 1222-Goodman, with SCS
SB 862-Engler, with SCS	SB 1229-Champion, et al, with SCS
SB 874-Shields, et al	SB 1236-Engler, with SCS
SB 895-Engler, with SCS	SBs 1239 & 1091-Gibbons, with SCS
SB 904-Griesheimer, with SCS	SJR 26-Ridgeway and Graham
SB 912-Goodman, et al, with SCS	SJR 31-Ridgeway and Shields

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

SCR 29-Graham

SCR 32-Days

SCR 31-Purgason, et al

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

T

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIRST DAY—MONDAY, APRIL 10, 2006

The Senate met pursuant to adjournment.

Stouffer

Vogel

Wheeler

Wilson—28

Senator Nodler in the Chair.

Absent—Senators—None

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators

"Your Word was to me the joy and rejoicing of my heart."
(Jeremiah 15:16)

Days

Graham

Green

Kennedy

Loudon—5

Gracious God, as we begin a new week may Your Word continue to bring joy to our hearts and guide our thoughts and actions. May Your Word keep all things in a proper perspective and may You help us to have a correct judgement in all manner of things that come before us. In Your Holy Name we pray. Amen.

Vacancies—1

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 6, 2006 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dougherty	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

RESOLUTIONS

On behalf of Senator Days, Senator Shields offered Senate Resolution No. 2641, regarding Incarnate Word Academy, which was adopted.

On behalf of Senator Kennedy, Senator Shields offered Senate Resolution No. 2642, regarding Harry William Lohse, IV, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2643, regarding John D. Street, California, which was adopted.

Senator Stouffer offered Senate Resolution No. 2644, regarding Mr. and Mrs. Jeremiah Penrod, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 2645, regarding the Monsanto Soybean Production Facility, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 2646, regarding the Ninety-fifth Birthday of Virginia Y. Finley, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 2647, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ledrue Brandt, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2648, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harry Curtis, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 2649, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Morgan Wesley, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 2650, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Jeff Harrison, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 2651, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Rick Jennings, Bevier, which was adopted.

Senator Barnitz offered Senate Resolution No. 2652, regarding Weber Equipment Company, Westphalia, which was adopted.

Senator Gibbons offered Senate Resolution No. 2653, regarding Emily Gerst, Fenton, which was adopted.

On behalf of Senator Graham, Senator Shields offered Senate Resolution No. 2654, regarding Prenger Foods, which was adopted.

On behalf of Senator Graham, Senator Shields offered Senate Resolution No. 2655, regarding Betsy Timmerberg, which was adopted.

On behalf of Senator Graham, Senator Shields offered Senate Resolution No. 2656, regarding Jack Chance, which was adopted.

On behalf of Senator Graham, Senator Shields offered Senate Resolution No. 2657, regarding

Richard "Red" Moore, which was adopted.

On behalf of Senator Graham, Senator Shields offered Senate Resolution No. 2658, regarding Don and Linda Bormann, which was adopted.

On behalf of Senator Graham, Senator Shields offered Senate Resolution No. 2659, regarding the Class 2 State Champion Harrisburg R-VIII high school boys basketball team, which was adopted.

On behalf of Senator Graham, Senator Shields offered Senate Resolution No. 2660, regarding James Thomas Cassidy, M.D., Columbia, which was adopted.

Senator Mayer offered Senate Resolution No. 2661, regarding Gregory Tomas Ulm, Dexter, which was adopted.

Senator Champion offered Senate Resolution No. 2662, regarding Abbie McLaughlin, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 2663, regarding Bonnie F. Winter, Clinton, which was adopted.

Senator Goodman offered Senate Resolution No. 2664, regarding the Ninety-ninth Birthday of Vina Boucher, Mt. Vernon, which was adopted.

On behalf of Senator Green, Senator Shields offered Senate Resolution No. 2665, regarding Joseph Edward "Joe" Burkard, Florissant, which was adopted.

Senator Gross offered Senate Resolution No. 2666, regarding Randy and Jan Joeckel, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 2667, regarding Jim Trenary Chevrolet, Saint Charles, which was adopted.

Senator Shields announced that pursuant to Section 21.420, registered lobbyists who were members of the freshmen legislative class of 1978 had been invited into the Chamber today.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nuzhat Nisar, M.D., 104 Country Creek Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Children's Trust Fund Board, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, Shawn Griffin, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald W. Koen, 39 Trimfoot Terrace, Farmington, Saint Francois County, Missouri 63640, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2007, and until his successor is duly appointed and qualified; vice, William Fry, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Sandra J. Jones, 610 West Summit, Post Office Box 7, Bolivar, Polk County, Missouri 65613, as a member of the Missouri Women's Council, for a term ending December 6, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anthony "Tony" Stafford, 1532 Sky View Drive, Holts Summit, Callaway County, Missouri 65043, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Norella V. Huggins, Democrat, 1020 Woodgate, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2010, and until her successor is duly appointed and qualified; vice,

reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David H. Jones, 4210 East University, Springfield, Greene County, Missouri 65809, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2011, and until his successor is duly appointed and qualified; vice, 174.450, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Annie R. Dixon, 601 Magnolia, Hannibal, Marion County, Missouri 63401, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2009, and until her successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Jasper Kee, 3004 Benton Boulevard, Number 106, Kansas City, Jackson County, Missouri 64128, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2010, and until his successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thelma G. Kinion, 202 Niagra Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2008, and until her successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Betty J. Leake, 11261 Redhawk Heights, Tebbetts, Callaway County, Missouri 65080, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2009, and until her successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cynthia W. Bald, 105 Eagles Landing Parkway, Cameron, Clinton County, Missouri 64429, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2010, and until her successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kim K. Marshall, 2421 West Edgewood, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2010, and until her successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stanley G. Bevelle, 1084 Riverview, Clever, Stone County, Missouri 65631, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2008, and until his successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Andrea Segura, 406 Kingsley, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2006, and until her successor is duly appointed and qualified; vice, Sandy Drummond, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on January 31, 2006 for your advice and consent:

Michael D. Kloos, 1640 Summer Drive, Fenton, Saint Louis County, Missouri 63026, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Ronald Graham,

resigned.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, per his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on March 6, 2006 for your advice and consent:

Daniel E. Devlin, Democrat, Rural Route 1, Box 80, Edina, Knox County, Missouri 63537, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2008, and until his successor is duly appointed and qualified; vice, Elizabeth Brown, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, per his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on February 28, 2006 for your advice and consent:

Michelle M. Colbert, Republican, 389 West Highway 8, Steelville, Crawford County, Missouri 65565, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2010, and until her successor is duly appointed and qualified; vice, Wayne T. Allen, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, per his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1397**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto seven new sections relating to computer spyware, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1270** and **1027**, entitled:

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to ethanol blend fuel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 904**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 904**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 904

An Act to repeal sections 8.007, 8.010, 8.110, 8.115, 8.120, 8.178, 8.180, 8.200, 8.250, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340,

8.350, 8.360, 8.800, 8.803, 8.805, 8.807, 8.810, 8.812, 8.815, 8.817, 8.820, 8.823, 8.830, 8.833, 8.835, 8.837, 8.840, 8.843, 8.845, 8.847, 8.849, 8.851, 34.030, 37.005, 107.170, and 610.021, RSMo, and to enact in lieu thereof forty new sections relating to designing, building, and managing state buildings, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 904** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 904**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 904

An Act to repeal sections 8.007, 8.010, 8.110, 8.115, 8.120, 8.178, 8.180, 8.200, 8.250, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.420, 8.800, 8.803, 8.805, 8.807, 8.810, 8.812, 8.815, 8.817, 8.820, 8.823, 8.830, 8.833, 8.835, 8.837, 8.840, 8.843, 8.845, 8.847, 8.849, 8.851, 34.030, 37.005, 107.170, and 610.021, RSMo, and to enact in lieu thereof forty-one new sections relating to designing, building, and managing state buildings, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 904** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 6, Section 8.250, Line 8, by deleting the words “one year” and inserting in lieu thereof the following “**three years**”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, **SA 1** was withdrawn.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 6, Section 8.250, Line 8, by deleting the words “one year” and inserting in lieu thereof the following “**two years**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 7, Section 8.250, Line 22, by deleting the word “may” and inserting in lieu thereof the following “**shall**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 52, Section 610.021, Line 12, by inserting immediately after all of said line, the following:

“Section 1. 1. As used in sections 1 to 5, the following terms shall mean:

(1) “Director”, the director of the department of labor and industrial relations;

(2) “Employee”, all individuals employed full-time or part-time directly by an employer;

(3) “Employer”, the same meaning as such term is defined in section 287.030, RSMo; except that, employer shall not include the federal government, the state of Missouri, any other state, or any political subdivision of this state or another state;

(4) “Health insurance costs”, the amount paid by an employer to provide health care or health insurance to employees in this state to the extent such costs may be deductible by an employer under federal tax laws and shall include payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits as defined in Section 231(d) of the Internal Revenue Code of 1986, as amended;

(5) “Wages”, the same meaning as such term is defined in section 288.036, RSMo.

2. The provisions of sections 1 to 5 shall apply to any employer who enters into a contract for at least twenty-five thousand dollars with the office of administration for designing, constructing, or repairing state buildings under chapter 8, RSMo.

Section 2. 1. Beginning January 1, 2007, and annually thereafter, an employer subject to the provisions of sections 1 to 5, shall submit on a form in a manner approved by the director:

(1) The number of employees of the employer in this state as of one day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis;

(2) The amount spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state; and

(3) The percentage of payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

2. The director shall promulgate rules to specify the information that an employer shall submit under subsection 1 of this section. Such information required shall:

(1) Be designated in a report signed by the principal executive officer or an individual

performing a similar function; and

(2) Include an affidavit under penalty of perjury that the information required under subsection 1 of this section was reviewed by the signing officer and is true to the best of the signing officer's knowledge, information, and belief.

3. When calculating the percentage of payroll under subdivision (3) of subsection 1 of this section, an employer may exempt:

(1) Wages paid to any employee in excess of the amount taxable for federal Social Security (FICA) purposes; and

(2) Wages paid to an employee who is enrolled in or eligible for Medicare.

Section 3. 1. Any employer subject to the provisions of sections 1 to 5, that is organized as a nonprofit organization that does not spend up to eight percent of the total wages paid to employees in this state on health insurance costs shall pay to the director an amount equal to the difference between the amount the employer spends for health insurance costs and an amount equal to eight percent of the total wages paid to employees in this state.

2. An employer subject to the provisions of sections 1 to 5, that is not organized as a nonprofit organization and that does not spend up to ten percent of the total wages paid to employees in this state on health insurance costs shall pay to the director an amount equal to the amount that the employer spends for health insurance costs and an amount equal to ten percent of the total wages paid to employees in this state.

3. No employer subject to the provisions of sections 1 to 5, shall deduct any payment made under subsection 1 or 2 of this section from the wages of an employee.

4. An employer subject to the provisions of sections 1 to 5, shall make the payments

required under this section to the director on a periodic basis as determined by the director.

Section 4. 1. Any employer subject to the provisions of sections 1 to 5, that fails to report in accordance with sections 1 to 5 shall be subject to an administrative penalty of two hundred fifty dollars for each day that the report is not timely filed.

2. Any employer subject to the provisions of sections 1 to 5, that fails to make a payment required under sections 1 to 5 shall be subject to an administrative penalty of two hundred fifty dollars.

Section 5. 1. The director shall transfer any moneys collected from the payroll assessment into the uncompensated care fund.

2. (1) There is hereby created in the state treasury the “Uncompensated Care Fund” which shall consist of moneys collected under sections 1 to 5. The state treasurer shall be custodian of the fund and shall disburse moneys from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely to reimburse licensed hospitals and federally qualified health centers that provide uncompensated care to patients.

(2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 1 to 5 shall become effective only if it complies with and is subject to all of the

provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 1 to 5 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 4** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 4 was again taken up.

At the request of Senator Griesheimer, **SB 904**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

Senator Goodman moved that **SB 912**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 912**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 912**

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the establishment of a virtual school.

Was taken up.

Senator Goodman moved that **SCS** for **SB 912** be adopted.

Senator Goodman offered **SS** for **SCS** for **SB 912**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 912

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the establishment of a virtual public school.

Senator Goodman moved that **SS** for **SCS** for **SB 912** be adopted, which motion prevailed.

On motion of Senator Goodman, **SS** for **SCS** for **SB 912** was declared perfected and ordered printed.

Senator Alter moved that **SB 1102** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Alter, **SB 1102** was declared perfected and ordered printed.

Senator Clemens moved that **SB 1081**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1081**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081

An Act to repeal section 644.051, RSMo, and to enact in lieu thereof one new section relating to a bond requirement for issuance of permits for construction of wastewater treatment facilities.

Was taken up.

Senator Clemens moved that **SCS** for **SB 1081** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 1081** was declared perfected and ordered printed.

Senator Gibbons moved that **SB 1023** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Gibbons, **SB 1023** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn requested unanimous consent of the Senate to correct the Governmental Accountability and Fiscal Oversight report on **SB 1185**, et al, by having the report read as follows:

“Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 1185**, **SB 1163**, **SB 1174**, **SB 1200** and **SB 1225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.”, which request was granted.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2668, regarding Donna Shaver, which was adopted.

Senator Crowell offered Senate Resolution No. 2669, regarding Charlotte Knaup, which was adopted.

Senator Crowell offered Senate Resolution No. 2670, regarding Geri Beussink, which was adopted.

Senator Crowell offered Senate Resolution No. 2671, regarding Steve Lukens, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2672, regarding Tim Mirley, which was adopted.

Senator Crowell offered Senate Resolution No. 2673, regarding Kyle Mabuce, which was adopted.

Senator Crowell offered Senate Resolution No. 2674, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Warren Robertson, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2675, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert “Bob” Greer,

East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 2676, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. LeRoy Wilke, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2677, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Delmar Pohlman, Oak Ridge, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Dan

Bedell, St. Charles.

Senator Dougherty introduced to the Senate, former State Representatives Leroy Blunt, Billie Boykins, Leroy Braungardt, Jerry Burch, Gerald Cox, W.T. Dawson, Mike Ethington, Jerry Ford, Estil Fretwell, Bob Jackson, Jack Pohrer, David Rauch, Sandra Lee Reeves, David Steelman and Quincy Troupe, members of the Freshmen Legislative Class of 1978.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY—TUESDAY, APRIL 11, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HJR 39-Bearden, et al

HCS for HB 1532

HCS for HB 1349

HCS for HB 1317

HCS for HB 1632

HB 994-Dusenberg, et al

HB 1827-Wasson, et al

HCS for HBs 1461, 1375, 1110 & 1103

HCS for HB 1182

HCS for HB 1397

HCS for HBs 1270 & 1027

THIRD READING OF SENATE BILLS

SS for SCS for SB 882-Engler

SS for SCS for SB 953-Engler

(In Fiscal Oversight)

SS for SCS for SB 976-Gibbons

SENATE BILLS FOR PERFECTION

SB 961-Ridgeway, with SCS
 SB 1027-Mayer, with SCS
 SB 1092-Klindt, with SCS
 SB 1217-Goodman
 SBs 1185, 1163, 1174, 1200 &
 1225-Engler, with SCS

SB 1076-Goodman
 SB 1107-Cauthorn
 SB 1009-Klindt
 SB 655-Nodler, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1037-Mayer

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS
 SBs 567 & 792-Dougherty, et al, with SCS
 SB 617-Koster, with SCS
 SB 635-Cauthorn
 SB 637-Cauthorn, et al, with SCS &
 SA 3 (pending)
 SB 642-Scott
 SBs 665 & 757-Engler, with SCS & SA 1
 (pending)
 SB 736-Crowell and Cauthorn, with SCS
 SB 770-Mayer and Crowell
 SB 788-Klindt, with SCS
 SB 816-Griesheimer and Coleman, with SCS
 & SS#2 for SCS (pending)
 SB 817-Scott, et al
 SB 820-Koster, with SCS
 SB 832-Griesheimer, with SCS, SS for SCS
 & SA 3 (pending)
 SB 841-Ridgeway, et al, with SCS
 SB 849-Mayer, et al, with SS, SA 6 &
 SA 1 to SA 6 (pending)
 SB 862-Engler, with SCS
 SB 874-Shields, et al

SB 895-Engler, with SCS
 SB 904-Griesheimer, with SCS, SS for SCS
 & SA 4 (pending)
 SB 913-Vogel, with SCS
 SB 924-Klindt, with SCS
 SB 969-Stouffer, with SCS
 SBs 1014 & 730-Scott and Gibbons,
 with SCS, SS for SCS, SA 1 & SSA 3
 for SA 1 (pending)
 SBs 1031 & 846-Klindt, with SCS
 SB 1038-Mayer
 SB 1041-Gibbons, with SCS
 SB 1049-Shields, with SCS
 SB 1058-Loudon
 SB 1072-Loudon
 SB 1103-Goodman
 SB 1104-Cauthorn and Klindt, with SCS
 SB 1114-Goodman & Loudon, with SCS
 SB 1188-Gibbons
 SBs 1210, 1244 & 844-Koster, et al, with
 SCS, SS for SCS & SA 2 (pending)
 SB 1222-Goodman, with SCS
 SB 1229-Champion, et al, with SCS

SB 1236-Engler, with SCS
SBs 1239 & 1091-Gibbons, with SCS

SJR 26-Ridgeway and Graham
SJR 31-Ridgeway and Shields

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days and Nodler
SCR 29-Graham

SCR 32-Days
SCR 31-Purgason, et al
SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY—TUESDAY, APRIL 11, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“But I trust in you, O Lord; I say, You are my God.” (Psalm 31:14)

There are times, O God, that we grow weary with the tensions and difficulty we encounter with those who don’t make the effort to understand what we are trying to do and why we do what we do. And although we hear the whispering of those who work against us, we trust that You will be there for us and help us be sustained in all this and whatever else may come our way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2678, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. John Hurt, Pomona, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 904**, with **SCS, SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Goodman assumed the Chair.

Senator Gibbons offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 10, Section 8.257, Line 5 of said page, by inserting after all of said line the following:

“(2) In assigning points to each submittal, an additional five points on a one-hundred point scale or its proportional equivalent shall be awarded to each bidder who spends up to eight percent of the total wages the bidder pays on behalf of its employees for their health insurance costs. For purposes of this subdivision, health insurance costs shall mean: the amount paid by an employer to provide health care or health insurance to employees in this state to the extent such costs may be deductible by an employer under federal tax laws and shall include payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits;”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Callahan offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 37, Section 34.030, Line 20, by inserting after all of said line the following:

“34.077. 1. It is hereby declared to be the policy of the state of Missouri that any employer or labor organization who employs any undocumented worker shall be prohibited from entering into a contract as, or performing work as, a contractor or subcontractor on a project governed by a public works contract.

2. No employer or labor organization who

employs an undocumented worker, as defined by the federal Immigration Reform and Control Act of 1986, shall be eligible to enter into a public works contract, as defined in section 34.058, nor shall any employer or labor organization who employs any undocumented worker be eligible to contract as a subcontractor on a project governed by a public works contract. No employer or labor organization who employs an undocumented worker shall be allowed to perform work as a contractor or subcontractor on a project governed by a public works contract.

3. Any public entity inviting bids for or letting a public works contract shall insert in such entity’s criteria for eligibility for the award of such contract a signed, notarized statement by the applicant affirming that such applicant employs no undocumented workers.”;

And further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Dougherty offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 53, Section 8.810, Lines 3-27, by striking all of said lines from the bill; and

further amend said bill, page 54, section 8.820, lines 7 to 13 by striking all of said lines from the bill; and

further amend said bill, page 55, section 8.840, lines 30 to 41 by striking all of said lines from the bill; and

further amend said bill, page 56, section 8.845, lines 10 to 21 by striking all of said lines from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

Senator Green offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Pages 15-17, Section 8.420, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 46, Section 107.170, Line 20 of said page, by inserting after all of said line the following:

“285.300. 1. Every employer doing business in the state shall require each newly hired employee to fill out a federal W-4 withholding form. A copy of each withholding form or an equivalent form containing data required by section 285.304 which may be provided in an electronic or magnetic format shall be sent to the department of revenue by the employer within twenty days after the date the employer hires the employee or in the case of an employer transmitting a report magnetically or electronically, by two monthly transmissions, if necessary, not less than twelve days nor more than sixteen days apart. For purposes of this section, the date the employer hires the employee shall be the earlier of the date the employee signs the W-4 form or its equivalent, or the first date the employee reports to work, or performs labor or services. Such forms shall be forwarded by the

department of revenue to the division of child support enforcement on a weekly basis and the information shall be entered into the database, to be known as the “State Directory of New Hires”. The information reported shall be provided to the National Directory of New Hires established in 42 U.S.C. section 653, other state agencies or contractors of the division as required or allowed by federal statutes or regulations. The division of employment security shall cross-check Missouri unemployment compensation recipients against any federal new hire database or any other database containing Missouri or other states' wage information which is maintained by the federal government on a weekly basis. The division of employment security shall cross-check unemployment compensation applicants and recipients with Social Security Administration data maintained by the federal government at least weekly. Effective January 1, 2007, the division of employment security shall cross-check at least monthly unemployment compensation applicants and recipients with department of revenue drivers license databases.

2. Every employer doing business in the state shall require each newly hired or rehired independent contractor to fill out a federal W-9 form. The forms shall be compiled, distributed, and entered into the state directory of new hires in the same fashion as set forth in subsection 1 of this section.

3. Any employer that has employees who are employed in two or more states and transmits reports magnetically or electronically may comply with subsection 1 of this section by:

(1) Designating one of the states in which the employer has employees as the designated state that such employer shall transmit the reports; and

(2) Notifying the secretary of Health and Human Services of such designation.

285.303. 1. An employer shall not, in an attempt to avoid tax liability or reporting

requirements for any employee, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.

2. Any employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to the tax due on the employee's taxable wages or an amount equal to three times the tax due on the employee's taxable wages if it is shown that the employer's failure to report wages is due to bad faith.

3. An employer shall not terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has communicated the intent to file an action alleging a violation of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 8** is out of order, as it goes beyond the scope and purpose of the original bill.

At the request of Senator Green, **SA 8** was withdrawn, rendering the point of order moot.

At the request of Senator Griesheimer, **SB 904**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Shields moved that **SB 874** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Shields, **SB 874** was declared perfected and ordered printed.

Senator Ridgeway moved that **SJR 26** be called from the Informal Calendar and taken up for

perfection, which motion prevailed.

On motion of Senator Ridgeway, **SJR 26** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1023**; **SS** for **SCS** for **SB 912**; **SCS** for **SB 1081**; and **SB 1102**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 912** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 904**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Green offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 11, Section 8.295, Line 25 of said page, by inserting immediately after said line the following:

“8.298. 1. Every employer doing business with the state under this chapter shall require each newly hired or rehired independent contractor to fill out a federal W-9 form. The forms shall be compiled, distributed, and entered into the state directory of new hires in the same fashion as set forth in subsection 1 of section 285.300, RSMo.

2. An employer shall not, in an attempt to avoid tax liability or reporting requirements for any employee, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.

3. Any employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to the tax due on the employee's taxable wages or an amount equal to three times the tax due on the employee's taxable wages if it is shown that the employer's failure to report wages is due to bad faith.

4. An employer shall not terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has communicated the intent to file an action alleging a violation of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 904**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 904**, as amended, was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Stouffer offered Senate Resolution

No. 2679, regarding the death of Warrant Officer III Michael L. Hartwick, Jr., Belton, Texas, which was adopted.

Senator Stouffer offered Senate Resolution No. 2680, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. J.H. Wilson, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 2681, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Charles Coutts, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 2682, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Calvin Gall, New Cambria, which was adopted.

Senator Stouffer offered Senate Resolution No. 2683, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Weber, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2684, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Kottman, Armstrong, which was adopted.

Senator Graham offered Senate Resolution No. 2685, regarding Fanny Gaw, which was adopted.

Senator Gross offered Senate Resolution No. 2686, regarding Corbitt Manufacturing Company, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 2687, regarding Gateway Medical Research, Incorporated, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 2688, regarding Modern Business Interiors, Saint Charles, which was adopted.

Senator Koster offered Senate Resolution No. 2689, regarding Peggy Fuller, which was adopted.

Senator Koster offered Senate Resolution No. 2690, regarding Chris Sumner, Peculiar, which was adopted.

Senator Shields offered Senate Resolution No. 2691, regarding Victor Fontanez, Platte City, which was adopted.

Senator Green offered Senate Resolution No. 2692, regarding Carolyn S. Hampel, Wildwood, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Koster moved that **SB 1210, SB 1244, and SB 844**, with **SCS, SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Callahan offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1210, 1244 and 844, Page 13, Section 191.907, Lines 14-20, by striking said lines and inserting in lieu thereof the following **“11. If the parties to an action filed under this section prevail in the action, the court shall award the person who initiated such action necessary expenses, costs, and, based on the amount of effort involved, the court shall award such person twenty to thirty-five percent of the monetary proceeds resulting from the action or any settlement of the claim. If the person who initiated the action receives seventy-five-thousand dollars or less from the claim, the court shall award the person reasonable attorney fees. If the court awards reasonable attorney fees because the person who initiated the claim received seventy-five-thousand dollars or less, the attorney representing the person who initiated the claim shall not be entitled to a contingency fee in addition to court-awarded fees.”**

Senator Callahan moved that the above substitute amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1210, 1244 and 844, Page 23, Section 191.914, Line 16 of said page, by inserting after all of said line the following:

“Section 1. 1. Beginning September 1, 2006, an advisory working group is hereby created for the purpose of conducting a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter identify fraud, abuse, and illegal acts. The working group shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state. The advisory working group shall consist of the following:

(1) Five members of the house of representatives appointed by the speaker; and

(2) Five members of the senate appointed by the pro tem.

No more than three members from each house shall be of the same political party. The directors of the department of social services, the department of health and senior services, and the department of mental health or the directors' designees shall serve as ex officio members of the advisory working group.

2. Members of the advisory working group shall be reimbursed for the actual and necessary expenses incurred in the discharge of

the member's official duties.

3. A chair of the advisory working group shall be selected by the members of the advisory working group.

4. The advisory working group shall meet as necessary.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Koster moved that **SS** for **SCS** for **SBs 1210, 1244 and 844**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **SBs 1210, 1244 and 844**, as amended, was declared perfected and ordered printed.

Senator Scott moved that **SB 817** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

At the request of Senator Scott, **SB 817** was placed on the Informal Calendar.

Senator Loudon moved that **SB 1058** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Loudon offered **SS** for **SB 1058**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 1058

An Act to amend chapter 385, RSMo, by adding thereto thirteen new sections relating to the vehicle protection product act, with penalty provisions and an effective date for certain sections.

Senator Loudon moved that **SS** for **SB 1058** be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SB 1058** was declared perfected and ordered printed.

Senator Bartle assumed the Chair.

Senator Ridgeway moved that **SJR 31** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Ridgeway, **SJR 31** was declared perfected and ordered printed.

Senator Champion moved that **SB 1229**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1229**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1229

An Act to repeal sections 135.327 and 135.333, RSMo, and to enact in lieu thereof two new sections relating to tax credits for children in crisis.

Was taken up.

Senator Champion moved that **SCS** for **SB 1229** be adopted.

Senator Champion offered **SS** for **SCS** for **SB 1229**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1229

An Act to repeal sections 135.327 and 135.333, RSMo, and to enact in lieu thereof two new sections relating to tax credits for children in crisis.

Senator Champion moved that **SS** for **SCS** for **SB 1229** be adopted.

At the request of Senator Champion, **SB 1229**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Stouffer moved that **SB 969**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 969**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969

An Act to repeal sections 301.055, 301.057,

301.058, 301.070, 301.130, 301.144, 301.560, 302.545, 302.700, 302.755, 302.775, 304.155, 304.170, 304.180, 304.281, 311.326, and 430.082, RSMo, and to enact in lieu thereof eighteen new sections relating to the regulation of motor vehicles, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 969** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 969**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969

An Act to repeal sections 301.010, 301.055, 301.057, 301.058, 301.070, 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420, 301.440, 301.560, 301.716, 302.545, 302.700, 302.755, 302.775, 304.155, 304.170, 304.180, 304.230, 304.281, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 430.082, and 556.021, RSMo, and to enact in lieu thereof forty-four new sections relating to the regulation of motor vehicles, with penalty provisions and an effective date for certain sections.

Senator Stouffer moved that **SS** for **SCS** for **SB 969** be adopted.

Senator Stouffer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 123, Section 556.021, Line 11 of said page, by inserting after all of said line the following:

“[365.125. As an alternative to the time price differential authorized by section 365.120, the parties may agree to

any rate or amount of time price differential not exceeding a rate or amount authorized by section 408.450, RSMo, but any such agreement shall be subject to the restrictions and conditions of sections 408.450 to 408.467, RSMo.]”;

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

At the request of Senator Stouffer, **SA 1** was withdrawn.

Senator Stouffer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 2, Section A, Line 3 of said page, by inserting after all of said line the following:

“227.102. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically via the Internet. Such electronically submitted bids and bid bonds shall contain digital signatures and seals, and all other required bid information and certifications, in accordance with commission administrative rules, sections 432.200 to 432.295, RSMo, and with any applicable federal competitive bidding requirements. At its discretion, the commission may elect to receive both electronic and paper bids, or the commission may specify electronic bidding exclusively for any proposed contract.

2. Any electronic bidding program or service implemented by the commission and the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:

(1) Each bidder must be able to transmit an electronic bid and bid bond securely and confidentially through bid encryption or other protection measures;

(2) Each bidder must receive prompt confirmation of the timely electronic filing of the bidder's bid and bid bond;

(3) Each bidder must be able to withdraw or replace the bidder's filed electronic bid and bid bond prior to the time bids are opened;

(4) Each bid filed electronically must be inaccessible or unreadable to all others except for the bidder prior to the time bids are opened;

(5) The portal for filing bids must have a mechanism to block any additional bids or modifications to bids when bids are scheduled to be opened; and

(6) Commission representatives and officials of the department of transportation must have full and immediate access to the bids and bid bonds at the time bids are designated to be opened, but not prior to that time.

3. The commission is authorized to promulgate administrative rules to administer the provisions in this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Pages 52-53, Section 302.545, by striking all of said section from the bill; and further amend said bill, pages 116-117, section 311.326, by striking all of said section from said bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 85, Section 304.230, Line 21, by inserting after “304.232” the following: “**and every law enforcement officer having jurisdiction within any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants**”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 969**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

Senator Klindt moved that **SB 788**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 788**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 788

An Act to repeal sections 323.020 and 323.100, RSMo, and to enact in lieu thereof two

new sections relating to the Missouri propane safety act.

Was taken up.

Senator Klindt moved that **SCS** for **SB 788** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 788** was declared perfected and ordered printed.

SB 961, with **SCS**, was placed on the Informal Calendar.

SB 1027, with **SCS**, was placed on the Informal Calendar.

SB 1092, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1217** was placed on the Informal Calendar.

At the request of Senator Engler, **SB 1185**, **SB 1163**, **SB 1174**, **SB 1200** and **SB 1225**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1076** was placed on the Informal Calendar.

Senator Cauthorn moved that **SB 1107** be taken up for perfection, which motion prevailed.

On motion of Senator Cauthorn, **SB 1107** was declared perfected and ordered printed.

Senator Gibbons moved that **SB 1041**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1041**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1041

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to obtaining, receiving and selling personal health information, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1041** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 1041**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1041

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to obtaining, receiving and selling personal health information, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for **SB 1041** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 1041** was declared perfected and ordered printed.

Senator Dougherty moved that **SB 567** and **SB 792**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 567** and **792**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 567 and 792

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care coverage for clinical trials.

Was taken up.

Senator Dougherty moved that **SCS** for **SBs 567** and **792** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SBs 567** and **792** was declared perfected and ordered printed.

Senator Engler moved that **SB 895**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 895**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 895

An Act to repeal sections 354.180, 354.210,

354.350, 354.444, 354.722, 374.046, 374.210, 374.215, 374.280, 374.512, 374.755, 374.787, 374.789, 375.012, 375.020, 375.152, 375.236, 375.306, 375.310, 375.445, 375.720, 375.777, 375.780, 375.786, 375.787, 375.881, 375.940, 375.942, 375.946, 375.994, 375.1010, 375.1012, 375.1014, 375.1016, 375.1135, 375.1156, 375.1160, 375.1204, 375.1306, 375.1309, 376.309, 376.889, 376.1094, 379.361, 379.510, 379.790, 380.391, 380.571, and 384.071, RSMo, and to enact in lieu thereof fifty-seven new sections relating to various enforcement powers of the department of insurance, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 895** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 895**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 895

An Act to repeal sections 354.150, 354.180, 354.210, 354.350, 354.444, 354.495, 354.722, 374.046, 374.150, 374.160, 374.210, 374.215, 374.230, 374.261, 374.263, 374.265, 374.267, 374.280, 374.512, 374.755, 374.787, 374.789, 375.012, 375.020, 375.152, 375.236, 375.306, 375.310, 375.445, 375.720, 375.777, 375.780, 375.786, 375.787, 375.881, 375.940, 375.942, 375.946, 375.994, 375.1010, 375.1012, 375.1014, 375.1016, 375.1135, 375.1156, 375.1160, 375.1204, 375.1306, 375.1309, 376.309, 376.889, 376.1094, 379.361, 379.510, 379.790, 380.391, 380.571, 384.071, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof eighty-four new sections relating to various enforcement powers of the department of insurance, with penalty provisions and an effective date for certain sections.

Senator Engler moved that **SS** for **SCS** for

SB 895 be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 895, Page 154, Section 385.310, Line 1 of said page, by striking “374.046” and inserting in lieu thereof the following: “**374.048**”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 895, Page 53, Section 374.789, Line 6, by inserting immediately after said line the following:

“375.001. As used in sections 375.001 to 375.008 the following words and terms mean:

(1) “**Claim**”, unless otherwise defined in sections 375.001 to 375.008, any specific request or demand for payment of a loss which may be included within the terms of coverage of an insurance policy. No inquiry into whether a policy will cover a loss or as to the type or level of coverage, shall be considered a claim;

(2) “**Insurer**”, all insurance companies, reciprocals, or interinsurance exchanges transacting the business of insurance in this state;

[(2)] (3) “**Nonpayment of premium**”, failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on the policy, or any installment of the premium, whether the premium is payable directly to the insurer or its [agent] **producer** or indirectly under any premium finance plan or extension of credit;

[(3)] (4) “**Nonrenewal**”, the determination of an insurer not to issue or deliver a policy replacing

at the end of the policy period a policy previously issued and delivered by the same insurer or a certificate or notice extending the term of a policy beyond its policy period or term;

[(4)] (5) “Policy”, a contract of insurance providing fire and extended coverage insurance, whether separately or in combination with other coverages, on owner-occupied habitational property not exceeding two families. “Policy” does not include any insurance contracts issued under a property insurance inspection and placement program (“FAIR” plan) or an assigned risk plan, or any insurance contracts insuring property not used predominantly for habitational purposes, or an insurance contract insuring a mobile home;

[(5)] (6) “Renewal” or “to renew”, the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of the policy beyond its policy period or term. Any policy with a policy period or term of less than six months shall for the purposes of sections 375.001 to 375.008 be considered as if written for a policy period or term of six months. Any policy written for a term longer than one year or any policy with no fixed expiration date, shall for the purpose of sections 375.001 to 375.008, be considered as if written for successive policy periods or terms of one year, and the policy may be terminated at the expiration of any annual period upon giving thirty days' notice of cancellation prior to the anniversary date, and the cancellation shall not be subject to any other provisions of sections 375.001 to 375.008;

(7) “Weather-related claim”, loss resulting from an act of God which an insured is unable to control and is unable to reasonably reduce the risk that such peril will damage the insured property.

375.007. 1. No insurer shall cancel or refuse to write or refuse to renew a policy solely because of the age, place of residence, race, sex, color, creed,

national origin, ancestry or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has canceled or has refused to renew an existing policy in which that person was the named insured, nor shall any insurance company or its agent or representative require any applicant or policyholder to divulge in a written application or otherwise whether any insurer has canceled or refused to renew or issue to the applicant or policyholder a policy of insurance. The provisions of this section do not apply to those instances where the hazard insured against under a policy is increased because of exposure to loss attributable solely to the place of residence or lawful occupation of anyone who is or seeks to be insured.

2. No insurer shall cancel or refuse to write or refuse to renew a policy on the basis of any of the following:

(1) One or more weather-related claims; or

(2) One or more inquiries by the insured into whether a policy will cover a loss or as to the type or level of coverage.

3. No insurer shall use a rating plan or rating system that surcharges an individual's policy premium based upon weather-related claims or inquiries as described in subsection 2 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Cauthorn and Green.

Senator Nodler assumed the Chair.

SA 2 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—31	

NAYS—Senators—None

Absent—Senator Wilson—1

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Goodman assumed the Chair.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 895, Page 155, Section 385.312, Line 11, by inserting after all of said line the following:

“409.5-508. (a) A person [that] commits the crime of securities fraud when such person willfully violates section 409.5-501;

(b) A person commits a criminal securities violation when such person willfully violates any other provision of this act, or a rule adopted or order issued under this act, except Section 409.5-504 or the notice filing requirements of section 409.3-302 or 409.4-405, or [that] willfully violates section 409.5-505 knowing the statement made to be false or misleading in a material respect[, upon conviction, shall be fined not more than one million dollars or imprisoned not more than ten years, or both].

(c) A person convicted of securities fraud or any other criminal violation of this act shall be fined not more than one million dollars or imprisoned not more than ten years, or both, unless the violation was committed against an elderly or disabled person, in which case the person shall be fined not less than fifty thousand

dollars and imprisoned not less the five years. For the purposes of this section, the following terms shall mean:

(1) “Disabled person”, a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such an impairment;

(2) “Elderly person”, a person sixty years of age or older.

(d) An individual convicted of violating a rule or order under this act may be fined, but may not be imprisoned, if the individual did not have knowledge of the rule or order.

[(b)] (e) The attorney general or the proper prosecuting attorney with or without a reference from the commissioner may institute criminal proceedings under this act.

[(c)] (f) This act does not limit the power of this state to punish a person for conduct that constitutes a crime under other laws of this state.

409.6-604. (a) If the commissioner determines that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act or that a person has materially aided, is materially aiding, or is about to materially aid an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act, the commissioner may:

(1) Issue an order directing the person to cease and desist from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with this act;

(2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section 409.4-403(b)(1)(C); or

(3) Issue an order under section 409.2-204.

(b) An order under subsection (a) is effective on the date of issuance. Upon issuance of the order, the commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement whether the commissioner will seek a civil penalty or costs of the investigation, a statement of the reasons for the order, and notice that, within fifteen days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the commissioner within thirty days after the date of service of the order, the order becomes final as to that person by operation of law. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

(c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the commissioner must be provided. A final order may not be issued unless the commissioner makes findings of fact and conclusions of law in a record in accordance with the provisions of chapter 536, RSMo, and procedural rules promulgated by the commissioner. The final order may make final, vacate, or modify the order issued under subsection (a).

(d) In a final order under subsection (c), the commissioner may:

(1) Impose a civil penalty up to one thousand dollars for a single violation or up to ten thousand dollars for more than one violation;

(2) **Order a person subject to the order to pay restitution for any loss including the amount of any actual damages that may have been caused by the conduct and interest at the rate of eight percent per year from the date of the violation causing the loss or disgorge of any**

profits arising from the violation;

(3) **Impose, in addition to any civil penalty otherwise provided by law, an additional civil penalty not to exceed five thousand dollars for each such violation if the commissioner finds that a person subject to the order has violated any provision of this act and that such violation was committed against an elderly or disabled person. For the purposes of this section, the following terms shall mean:**

(A) **“Disabled person”, a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such an impairment;**

(B) **“Elderly person”, a person sixty years of age or older.**

(e) In a final order, the commissioner may charge the actual cost of an investigation or proceeding for a violation of this act or a rule adopted or order issued under this act. These funds may be paid into the investor education and protection fund.

(f) If a petition for judicial review of a final order is not filed in accordance with section 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(g) If a person does not comply with an order under this section, the commissioner may petition a court of competent jurisdiction to enforce the order. The court may not require the commissioner to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the

person for contempt in an amount not less than five thousand dollars but not greater than one hundred thousand dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(h) The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Callahan offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 895, Page 155, Section 385.312, Line 11, by inserting after all of said line the following:

“409.1-102. In this act, unless the context otherwise requires:

(1) “Agent” means an individual, other than a broker-dealer, who represents a broker-dealer in effecting or attempting to effect purchases or sales of securities or represents an issuer in effecting or attempting to effect purchases or sales of the issuer's securities. But a partner, officer, or director of a broker-dealer or issuer, or an individual having a similar status or performing similar functions is an agent only if the individual otherwise comes within the term. The term does not include an individual excluded by rule adopted or order issued under this act.

(2) “Commissioner” means the commissioner of securities appointed by the secretary of state.

(3) “Bank” means:

(A) A banking institution organized under the laws of the United States;

(B) A member bank of the Federal Reserve System;

(C) Any other banking institution, whether incorporated or not, doing business under the laws of a state or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to be exercised by national banks under the authority of the Comptroller of the Currency pursuant to Section 1 of Public Law 87-722 (12 U.S.C. Section 92a), and which is supervised and examined by a state or federal agency having supervision over banks, and which is not operated for the purpose of evading this act; and

(D) A receiver, conservator, or other liquidating agent of any institution or firm included in subparagraph (A), (B), or (C).

(4) “Broker-dealer” means a person engaged in the business of effecting transactions in securities for the account of others or for the person's own account. The term does not include:

(A) An agent;

(B) An issuer;

(C) A bank, a trust company organized or chartered under the laws of this state, or a savings institution, if its activities as a broker-dealer are limited to those specified in subsections 3(a)(4)(B)(i) to (vi), (viii) to (x), and (xi) if limited to unsolicited transactions; 3(a)(5)(B); and 3(a)(5)(C) of the Securities Exchange Act of 1934 (15 U.S.C. Sections 78c(a)(4) and (5)) or a bank that satisfies the conditions described in subsection 3(a)(4)(E) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78c(a)(4));

(D) An international banking institution; or

(E) A person excluded by rule adopted or

order issued under this act.

(5) “Depository institution” means:

(A) A bank; or

(B) A savings institution, trust company, credit union, or similar institution that is organized or chartered under the laws of a state or of the United States, authorized to receive deposits, and supervised and examined by an official or agency of a state or the United States if its deposits or share accounts are insured to the maximum amount authorized by statute by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or a successor authorized by federal law. The term does not include:

(i) An insurance company or other organization primarily engaged in the business of insurance;

(ii) A Morris Plan bank; or

(iii) An industrial loan company.

(6) “Federal covered investment adviser” means a person registered under the Investment Advisers Act of 1940.

(7) “Federal covered security” means a security that is, or upon completion of a transaction will be, a covered security under Section 18(b) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)) or rules or regulations adopted pursuant to that provision.

(8) “Filing” means the receipt under this act of a record by the commissioner or a designee of the commissioner.

(9) “Fraud”, “deceit”, and “defraud” are not limited to common law deceit.

(10) “Guaranteed” means guaranteed as to payment of all principal and all interest.

(11) “Institutional investor” means any of the following, whether acting for itself or for others in a fiduciary capacity:

(A) A depository institution, a trust company

organized or chartered under the laws of this state, or an international banking institution;

(B) An insurance company;

(C) A separate account of an insurance company;

(D) An investment company as defined in the Investment Company Act of 1940;

(E) A broker-dealer registered under the Securities Exchange Act of 1934;

(F) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt from registration under the Investment Advisers Act of 1940, an investment adviser registered under this act, a depository institution, or an insurance company;

(G) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt from registration under the Investment Advisers Act of 1940, an investment adviser registered under this act, a depository institution, or an insurance company;

(H) A trust, if it has total assets in excess of ten million dollars, its trustee is a depository institution, and its participants are exclusively plans of the types identified in subparagraph (F) or (G), regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-

directed plans;

(I) An organization described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Section 501(c)(3)), corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;

(J) A small business investment company licensed by the Small Business Administration under Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. Section 681(c)) with total assets in excess of ten million dollars;

(K) A private business development company as defined in Section 202(a)(22) of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-2(a)(22)) with total assets in excess of ten million dollars;

(L) A federal covered investment adviser acting for its own account;

(M) A “qualified institutional buyer” as defined in Rule 144A(a)(1), other than Rule 144A(a)(1)(H), adopted under the Securities Act of 1933 (17 C.F.R. 230.144A);

(N) A “major U.S. institutional investor” as defined in Rule 15a-6(b)(4)(i) adopted under the Securities Exchange Act of 1934 (17 C.F.R. 240.15a-6);

(O) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this act; or

(P) Any other person specified by rule adopted or order issued under this act.

(12) “Insurance company” means a company organized as an insurance company whose primary business is writing insurance or reinsuring risks underwritten by insurance companies and which is subject to supervision by the insurance commissioner or a similar official or agency of a

state.

(13) “Insured” means insured as to payment of all principal and all interest.

(14) “International banking institution” means an international financial institution of which the United States is a member and whose securities are exempt from registration under the Securities Act of 1933.

(15) “Investment adviser” means a person that, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or the advisability of investing in, purchasing, or selling securities or that, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. The term includes a financial planner or other person that, as an integral component of other financially related services, provides investment advice to others for compensation as part of a business or that holds itself out as providing investment advice to others for compensation. The term does not include:

(A) An investment adviser representative;

(B) A lawyer, accountant, engineer, or teacher whose performance of investment advice is solely incidental to the practice of the person's profession;

(C) A broker-dealer or its agents whose performance of investment advice is solely incidental to the conduct of business as a broker-dealer and that does not receive special compensation for the investment advice;

(D) A publisher of a bona fide newspaper, news magazine, or business or financial publication of general and regular circulation;

(E) A federal covered investment adviser;

(F) A bank, a trust company organized or chartered under the laws of this state, or a savings institution;

(G) Any other person that is excluded by the

Investment Advisers Act of 1940 from the definition of investment adviser; or

(H) Any other person excluded by rule adopted or order issued under this act.

(16) “Investment adviser representative” means an individual employed by or associated with an investment adviser or federal covered investment adviser and who makes any recommendations or otherwise gives investment advice regarding securities, manages accounts or portfolios of clients, determines which recommendation or advice regarding securities should be given, provides investment advice or holds herself or himself out as providing investment advice, receives compensation to solicit, offer, or negotiate for the sale of or for selling investment advice, or supervises employees who perform any of the foregoing. The term does not include an individual who:

(A) Performs only clerical or ministerial acts;

(B) Is an agent whose performance of investment advice is solely incidental to the individual acting as an agent and who does not receive special compensation for investment advisory services;

(C) Is employed by or associated with a federal covered investment adviser, unless the individual has a “place of business” in this state as that term is defined by rule adopted under Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a) and is:

(i) An “investment adviser representative” as that term is defined by rule adopted under Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a); or

(ii) Not a “supervised person” as that term is defined in Section 202(a)(25) of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-2(a)(25)); or

(D) Is excluded by rule adopted or order issued under this act.

(17) “Issuer” means a person that issues or proposes to issue a security, subject to the following:

(A) The issuer of a voting trust certificate, collateral trust certificate, certificate of deposit for a security, or share in an investment company without a board of directors or individuals performing similar functions is the person performing the acts and assuming the duties of depositor or manager pursuant to the trust or other agreement or instrument under which the security is issued.

(B) The issuer of an equipment trust certificate or similar security serving the same purpose is the person by which the property is or will be used or to which the property or equipment is or will be leased or conditionally sold or that is otherwise contractually responsible for assuring payment of the certificate.

(C) The issuer of a fractional undivided interest in an oil, gas, or other mineral lease or in payments out of production under a lease, right, or royalty is the owner of an interest in the lease or in payments out of production under a lease, right, or royalty, whether whole or fractional, that creates fractional interests for the purpose of sale.

(18) “Nonissuer transaction” or “nonissuer distribution” means a transaction or distribution not directly or indirectly for the benefit of the issuer.

(19) “Offer to purchase” includes an attempt or offer to obtain, or solicitation of an offer to sell, a security or interest in a security for value. The term does not include a tender offer that is subject to Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)).

(20) “Person” means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial

entity.

(21) “Place of business” of a broker-dealer, an investment adviser, or a federal covered investment adviser means:

(A) An office at which the broker-dealer, investment adviser, or federal covered investment adviser regularly provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients; or

(B) Any other location that is held out to the general public as a location at which the broker-dealer, investment adviser, or federal covered investment adviser provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients.

(22) “Predecessor act” means sections 409.101, 409.102 and 409.201 to 409.421, as repealed by this act.

(23) “Price amendment” means the amendment to a registration statement filed under the Securities Act of 1933 or, if an amendment is not filed, the prospectus or prospectus supplement filed under the Securities Act of 1933 that includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

(24) “Principal place of business” of a broker-dealer or an investment adviser means the executive office of the broker-dealer or investment adviser from which the officers, partners, or managers of the broker-dealer or investment adviser direct, control, and coordinate the activities of the broker-dealer or investment adviser.

(25) “Record”, except in the phrases “of record”, “official record”, and “public record”, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(26) “Sale” includes every contract of sale, contract to sell, or disposition of, a security or interest in a security for value, and “offer to sell”

includes every attempt or offer to dispose of, or solicitation of an offer to purchase, a security or interest in a security for value. Both terms include:

(A) A security given or delivered with, or as a bonus on account of, a purchase of securities or any other thing constituting part of the subject of the purchase and having been offered and sold for value;

(B) A gift of assessable stock involving an offer and sale; and

(C) A sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer and a sale or offer of a security that gives the holder a present or future right or privilege to convert the security into another security of the same or another issuer, including an offer of the other security.

(27) “Securities and Exchange Commission” means the United States Securities and Exchange Commission.

(28) “Security” means a note; stock; treasury stock; security future; bond; debenture; evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; fractional undivided interest in oil, gas, or other mineral rights; put, call, straddle, option, or privilege on a security, certificate of deposit, or group or index of securities, including an interest therein or based on the value thereof; put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; or, in general, an interest or instrument commonly known as a “security”; or a certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. The term:

(A) Includes both a certificated and an uncertificated security;

(B) Does not include an insurance or endowment policy or annuity contract under which an insurance company promises to pay **a fixed sum of** money either in a lump sum or periodically for life or other specified period;

(C) Does not include an interest in a contributory or noncontributory pension or welfare plan subject to the Employee Retirement Income Security Act of 1974;

(D) Includes as an “investment contract” an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor and a “common enterprise” means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a third party, or other investors; and

(E) May include as an “investment contract”, among other contracts, an interest in a limited partnership and a limited liability company and an investment in a viatical settlement or similar agreement.

(29) “Self-regulatory organization” means a national securities exchange registered under the Securities Exchange Act of 1934, a national securities association of broker-dealers registered under the Securities Exchange Act of 1934, a clearing agency registered under the Securities Exchange Act of 1934, or the Municipal Securities Rulemaking Board established under the Securities Exchange Act of 1934.

(30) “Sign” means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach or logically associate with the record an electronic symbol, sound, or process.

(31) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.”; and

Further amend the title and enacting clause

accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 4** is out of order as it goes beyond the scope of the title of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 895, Pages 46-49, Section 374.755, by striking said section from the bill; and

Further amend said bill, Pages 49 to 51, Section 374.787, by striking said section from the bill; and

Further amend said bill, Pages 51 to 53, Section 374.789, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Engler, **SB 895**, with **SCS, SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Margaret "Peggy" Krokstrom, 15677 Hester Street, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Children's Trust Fund Board, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, Sarah Long, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth T. Conlee, 609 Northwest Edgewood Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2006, and until his successor is duly appointed and qualified; vice, Ronald Battelle, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 10, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel E. Champion, Democrat, 5600 North East Oaks Ridge Lane, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2012, and until his successor is duly appointed and qualified; vice, Deborah Snoke, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 10, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas J. Corso, 1125 Krug Park Place, Saint Joseph, Buchanan County, Missouri 64505, as a member of the Elevator Safety Board, for a term ending June 6, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eric C. Norris, 1024 8th Street, Monett, Lawrence County, Missouri 65708, as the student representative of the Missouri Southern University Board of Governors, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Stacy Allen, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics,

submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 874; SJR 26; SJR 31; SS for SCS for SB 904; SS for SCS for SB 1041; SCS for SB 788; and SS for SB 1058**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS for SCS for SB 953**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred **SS for SCS for SB 904** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Andy Babitz, Creve Coeur.

Senator Champion introduced to the Senate, Nycolle King, Springfield.

Senator Ridgeway introduced to the Senate, Randy and Carolyn Hylton, and Anthony Nichols, Clay County.

On behalf of Senator Shields and herself, Senator Ridgeway introduced to the Senate, Mike and Gabriel Chambers, Clay County; and Gabriel was made an honorary page.

Senator Gibbons introduced to the Senate, Robyn and Janet Hopkins and their children, Robert, Lauren and Catherine, Warson Woods; and Liz and Thorwald Peterson, Clayton; and Robert, Lauren and Catherine were made honorary pages.

Senator Goodman introduced to the Senate,

Adam Snodgrass, Jefferson City.

Senator Green introduced to the Senate, teachers, parents and fifty-six fourth grade students from Jamestown Elementary School, Florissant.

Senator Dougherty introduced to the Senate, Betty Jean Kerr and Mark Sanford, St. Louis.

Senator Bray introduced to the Senate, Jessica Foley, Candice Audet, Samantha Mentzell, Cody Holt, Ariele Foltz, and Curtis Garcia from Cedar, Hickory, Henry and Dallas Counties.

Senator Gibbons introduced to the Senate, ninety fourth grade students from Barretts Elementary School, Manchester; and Maddie Bleither, Steven Schrand, Nick Eovaldi and Carly Niedbalski were made honorary pages.

On behalf of Senator Griesheimer, the President introduced to the Senate, Ken Schmidt, Eureka.

On behalf of Senator Griesheimer, the President introduced to the Senate, fourth grade students from St. Gertrudes Catholic Church School, Krakow.

Senator Shields introduced to the Senate, his wife, Brenda and their son, Bryce, Doug Alderman, Ron Bowman, Conrad Van Sickle and eighty students from Truman Middle School, St. Joseph.

Senator Cauthorn introduced to the Senate, his daughter, Kaitlyn, Mexico.

Senator Bray introduced to the Senate, Marissa Dirks, Maryland Heights.

Senator Scott introduced to the Senate, Dr. Elton Evans.

Senator Gibbons introduced to the Senate, Betty Logan, Kirkwood; and Robert and Beth Hill, Surrey, England.

Senator Gibbons introduced to the Senate, Emily Gerst, her father, David, and Amy and Kathleen Ogle, Fenton.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY—WEDNESDAY, APRIL 12, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HJR 39-Bearden, et al

HCS for HB 1532

HCS for HB 1349

HCS for HB 1317

HCS for HB 1632

HB 994-Dusenberg, et al

HB 1827-Wasson, et al

HCS for HBs 1461, 1375, 1110 & 1103

HCS for HB 1182

HCS for HB 1397

HCS for HBs 1270 & 1027

THIRD READING OF SENATE BILLS

1. SS for SCS for SB 882-Engler

2. SS for SCS for SB 953-Engler

3. SS for SCS for SB 976-Gibbons

4. SB 1023-Gibbons, et al

5. SS for SCS for SB 912-Goodman
(In Fiscal Oversight)

6. SCS for SB 1081-Clemens

7. SB 1102-Alter

8. SB 874-Shields, et al

9. SJR 26-Ridgeway and Graham

10. SJR 31-Ridgeway and Shields

11. SS for SCS for SB 904-Griesheimer
(In Fiscal Oversight)

12. SS for SCS for SB 1041-Gibbons

13. SCS for SB 788-Klindt

14. SS for SB 1058-Loudon

SENATE BILLS FOR PERFECTION

SB 1009-Klindt

SB 655-Nodler, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1037-Mayer

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS &
SA 3 (pending)

SB 642-Scott

SBs 665 & 757-Engler, with SCS &
SA 1 (pending)

SB 736-Crowell and Cauthorn, with SCS

SB 770-Mayer and Crowell

SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending)

SB 817-Scott, et al

SB 820-Koster, with SCS

SB 832-Griesheimer, with SCS, SS for
SCS & SA 3 (pending)

SB 841-Ridgeway, et al, with SCS

SB 849-Mayer, et al, with SS, SA 6 & SA 1 to
SA 6 (pending)

SB 862-Engler, with SCS

SB 895-Engler, with SCS, SS for SCS & SA 5
(pending)

SB 913-Vogel, with SCS

SB 924-Klindt, with SCS

SB 961-Ridgeway, with SCS

SB 969-Stouffer, with SCS, SS for SCS &
SA 4 (pending)SBs 1014 & 730-Scott and Gibbons, with
SCS, SS for SCS, SA 1 & SSA 3 for
SA 1 (pending)

SB 1027-Mayer, with SCS

SBs 1031 & 846-Klindt, with SCS

SB 1038-Mayer

SB 1049-Shields, with SCS

SB 1072-Loudon

SB 1076-Goodman

SB 1092-Klindt, with SCS

SB 1103-Goodman

SB 1104-Cauthorn and Klindt, with SCS

SB 1114-Goodman & Loudon, with SCS

SBs 1185, 1163, 1174, 1200 & 1225-Engler,
with SCS

SB 1188-Gibbons

SB 1217-Goodman

SB 1222-Goodman, with SCS

SB 1229-Champion, et al, with SCS &
SS for SCS (pending)

SB 1236-Engler, with SCS

SBs 1239 & 1091-Gibbons, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days and Nodler
SCR 29-Graham

SCR 32-Days
SCR 31-Purgason, et al
SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-THIRD DAY—WEDNESDAY, APRIL 12, 2006

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

"Morning by morning he wakens-wakens my ear to listen as those who are taught." (Isaiah 50:4b)

O Lord, open our ears to truly listen first to Your word and then to those who truly have something to teach us so that like a student we may learn and be more effective in what is coming before us. Help us to truly listen to what others have to say so that we may be seen as one who cares and truly knows what it is that they have been trying to tell us. And, help us to stand together in what is most important for us to accomplish here and at home. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Shields announced that photographers from KMIZ-TV and KOMU-TV had been given permission to take pictures in the Chamber today.

Senator Scott assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2693, regarding Willard Adams, Bernie, which was adopted.

Senators Gibbons, Shields and Coleman offered Senate Resolution No. 2694, regarding Public Service Recognition Week, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1679**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1559**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1858**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 1617** and **1374**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1053**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the

Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS No. 2** for **HB 1703**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1857**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1343**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1320**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1204**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1427**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1169**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1153**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1432**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1759**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1739**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial

and Governmental Organizations and Elections, to which was referred **HB 1392**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1339**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1244**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1551**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1118**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1601**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1687**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1 and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1687, Page 3, Section 196.979, Line 26, by inserting at the end of said line the following: “**Such donated drugs may be repackaged in a manner appropriate for distribution by participating pharmacies, hospitals, and nonprofit clinics.**”; and

Further amend said title, enacting clause and intersectional references accordingly.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1222**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1491**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1437**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS for HB 1515**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans’ Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **HCS for HB 1787**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **HCS for HB 978**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **HCS for HB 1306**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **HCS for HB 1344**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions,

Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1552**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1138**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1256**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1762**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 1382** and **1158**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1488**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1105**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 567** and **792**; **SB 1107**; and **SS** for **SCS** for **SBs 1210**, **1244** and **844**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SBs 567** and **792**; **SS** for **SCS** for **SBs 1210**, **1244** and **844**; and **SCS** for **SB 788** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 832**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Gross offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 6, Section 99.805, Lines 17-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 7,

lines 1-27 of said page, by striking all of said lines and inserting in lieu thereof the following:

“[(14)] (15) “Redevelopment project costs” include costs incurred as a result of the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings;”.

Senator Gross moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 4**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 6, Section 99.805, Lines 17-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 7, lines 1-27 of said page, by striking all of said lines and inserting in lieu thereof the following:

“[(14)] (15) “Redevelopment project costs” include costs incurred as a result of the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings. Legal fees incurred, by or on behalf of a developer or developers, as a result of a redevelopment project or plan shall not constitute redevelopment project costs, and the party incurring such costs shall be responsible for payment;”.

Senator Callahan moved that the above substitute amendment be adopted.

At the request of Senator Griesheimer, **SB 832**, with **SCS**, **SS** for **SCS**, **SA 4** and **SSA 1**

for **SA 4** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2695, regarding Janis Kelly, which was adopted.

Senator Barnitz offered Senate Resolution No. 2696, regarding Jean Finn, Rolla, which was adopted.

Senator Goodman offered Senate Resolution No. 2697, regarding the Riverview Bible Baptist Christian School Boys Basketball Team, Forsyth, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1180**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1234**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1245**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1251**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1449**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1511**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1653**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1732**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 895**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

Senator Griesheimer assumed the Chair.

At the request of Senator Engler, **SB 895**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

Senator Shields assumed the Chair.

Senator Champion moved that **SB 1229**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 1229** was again taken up.

Senator Champion moved that **SS** for **SCS** for **SB 1229** be adopted, which motion prevailed.

On motion of Senator Champion, **SS** for **SCS** for **SB 1229** was declared perfected and ordered printed.

Senator Goodman moved that **SB 1103** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Goodman, **SB 1103** was declared perfected and ordered printed.

Senator Ridgeway moved that **SB 961**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 961**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 961

An Act to amend chapter 390, RSMo, by adding thereto one new section relating to indemnity agreements in motor carrier transportation contracts.

Was taken up.

Senator Ridgeway moved that **SCS** for **SB 961** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **SB 961** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 969**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for

perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Callahan offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 85, Section 304.230, Lines 19-26 of said page, by striking said lines and inserting in lieu thereof the following:

“304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections.”; and further amend line 28 of said page, by inserting after “agencies” the following: **“having jurisdiction within any home rule city with more than four hundred thousand inhabitants and located in more than one county and any city not within a county”**; and

Further amend said bill and section, Page 86, Lines 1 to 5 of said page, by striking said lines and inserting in lieu thereof the following: **“may conduct a”**; and

Further amend said bill and section, Page 90, Line 16 of said page, by striking the following: “within the”; and further amend line 17 of said page, by striking said line and inserting in lieu thereof the following: “.”; and

Further amend said bill and section, Page 93, Lines 22 to 26 of said page, by striking said lines and inserting in lieu thereof the following: **“11.”**; and further amend Line 28 of said page, by inserting after “agencies” the following: **“having jurisdiction within any home rule city with more than four hundred thousand inhabitants**

and located in more than one county and any city not within a county”; and

Further amend said bill and section, Page 94, Lines 1 to 5 of said page, by striking said lines and inserting in lieu thereof the following: **“may conduct a”**.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Ridgeway offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 68, Section 304.155, Line 10, by inserting after “highway.” the following: **“Whenever a tow truck operator or tow company removes any abandoned property at the request of the state transportation department or any law enforcement officer, then the tow truck operator or tow company may submit reasonable tow and storage charges, not to exceed three hundred dollars per incident, for payment from the entity requesting removal of the abandoned property.”**.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 21, Section 301.130, Line 7, by inserting after “impaired.” the following:

“Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired.”.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 2, Section A, Line 3 of said page, by inserting after all of said line the following:

“226.030. 1. The highways and transportation commission shall consist of six members, who shall be appointed by the governor, by and with the advice and consent of the senate, not more than three thereof to be members of the same political party. Each commissioner shall be a taxpayer and resident of state for at least five years prior to his appointment. Any commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of duty, or misconduct in office. Commissioners appointed pursuant to this section shall be appointed for terms of six years, except as otherwise provided in this subsection. Upon the expiration of each of the foregoing terms of these commissioners a successor shall be appointed for a term of six years or until his successor is appointed and qualified which term of six years shall thereafter be the length of term of each member of the commission unless removed as above provided. The members of the commission shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. Members whose terms otherwise expire December 1, 2003, shall serve with terms expiring March 1, 2004, and new members or the members reappointed shall be appointed for terms expiring March 1, 2005; a member whose term otherwise expires December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term otherwise expires December 1, 2007, shall serve with a term expiring March 1, 2009; and one member whose term otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2007; and one member whose term otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy

occurs in any term of a commissioner due to death, resignation, or removal, a successor shall be appointed for only the remainder of the unexpired term.

2. The two members of the commission, one each from opposing political parties, who have the most seniority in commission service shall serve as commission leadership with one member as chair and the other member as vice chair, respectively, for terms ending March 1, 2005. The commission shall elect one of the members as chair and the other as vice chair. Effective March 1, 2005, the commission shall elect the two members of the commission, one from each opposing political party who has the most seniority in commission service, who shall serve as commission leadership with one member as chair and the other member as vice chair, respectively, for one year. At the end of such year, the member currently serving as chair shall then serve as vice chair, and the member currently serving as vice chair shall serve as chair, each to serve in such position for one year. Thereafter, commission leadership shall continue to rotate accordingly with the two members from opposing political parties who have the most seniority in terms of commission service being elected by the commission to serve as commission leadership. If one of the commission leadership offices becomes vacant due to death, resignation, removal, or refuses to serve before the one-year leadership term expires, the commission shall elect one of its members that is of the same political party as the vacating officer to serve the remainder of the vacating officer's leadership term. Such election shall not prohibit that member from later serving as chair and vice chair when such member's seniority in commission service qualifies him or her for those offices as provided in this subsection.

3. No more than one-half of the members of the commission shall be of the same political party. The selection and removal of all employees of the department of transportation shall be without regard to political affiliation.

4. The present members of the commission shall continue to serve as members of the commission for the remainder of the terms for which they were appointed, except as provided in subsection 1 of this section.

5. [The director of the department of transportation shall, by February fifteenth of each year, present an annual state of the state of transportation to a joint session of the general assembly. The six members of the commission shall be present and available at such presentations for questions by members. The transportation inspector general may also be present and report to the general assembly on any matter of concern within his or her statutory authority. The provisions of this subsection shall expire August 28, 2008.

6.] Any member reappointed shall only be eligible to serve as chair or vice-chair during the final two years of such member's reappointment.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 2, Section A, Line 3, by inserting after all of said line the following:

“226.797. 1. The general assembly finds that certain roads and highways serve scenic and natural areas and that preserving, protecting, and enhancing such roads and highways for the benefit of the state of Missouri and improving the coordination between all levels of government in preserving such roads and highways is of importance to the people of the state, and that measures should be taken in order to provide a means and stimulus for coordinating the

preservations, protection, enhancement, enjoyment, and utilization of such roads and highways.

2. The highways and transportation commission of the state of Missouri is authorized to create a state system of scenic byways in order to create and preserve rustic, historic or scenic roads and highways for vehicular, bicycle and pedestrian travel in unhurried, quiet and leisurely enjoyment; to protect and preserve a part of Missouri's transportation history, historic roads and cultures, recreational driving, beauty, trees, vegetation and wildlife by establishing protective standards for scenic byway design, access, maintenance, preservation, and identification, which will promote a continuous system of scenic byways for the public health and welfare. **The Missouri department of transportation shall have the same power and authority over private property along a road or highway that has been designated a scenic byway that the department had over the private property prior to the road or highway being designated as a scenic byway. Nothing in this section shall be construed as granting the department power to acquire scenic easements within an area designated as a scenic byway. The department shall not require private property owners who own real estate along a scenic byway to restrict, limit, or restrain the use of their property unless such restriction, limitation, or restraint also would be applicable to a road or highway that is not a scenic byway.**

3. Any county commission or the governing body of any municipality may apply to the Missouri highways and transportation commission for the designation of any road or highway, all or part of which is under its jurisdiction, as a scenic byway after a public hearing with at least a thirty-day prior notice. Unless the commission determines that the road or highway does not meet the standards for scenic byways established by the commission pursuant to this section the commission shall approve the application for

designation of the road or highway as a scenic byway.

4. Any county commission or the governing body of any municipality may apply to the commission for the removal of any road or highway from the scenic byways system after a public hearing with at least a thirty-day prior notice. Unless opposed by a majority of the residents along the scenic byway or if the commission determines that the road or highway does not meet the standards for scenic byways established by the commission pursuant to this section the commission shall approve the application for removal of the road or highway from the scenic byways system.

5. Roads or highways submitted for designation or removal as scenic byways, which are under the joint jurisdiction of two or more municipalities, or one or more municipalities and one or more counties, or two or more counties may not be designated scenic byways or be withdrawn from the scenic byways system by the commission until the governing bodies of all affected municipalities and the county commissions of all affected counties approve of such designation or removal after public hearings with at least thirty-day prior notices.

6. The county commissions, the municipalities and the counties shall have the same authority over scenic byways as they possess over other roads or highways under their jurisdiction.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion failed.

Senator Coleman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 969, Page 66, Section 302.775, Line 1, by inserting immediately after all of said line the following

“304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the court may suspend the driver’s license of any person who violates the provision of subsection 1 of section 304.050. If ordered by the court, the director shall suspend the driver’s license for ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days for a second or subsequent offense of subsection 1 of section 304.050. **Any person who violates subsection 1 of section 304.050 where such violation results in the injury of any child shall be guilty of a class D felony. Any person who violates subsection 1 of section 304.050 where such violation causes the death of any child shall be guilty of a class C felony.**

2. Any appeal of a suspension imposed under subsection 1 of this section shall be a direct appeal of the court order and subject to review by the presiding judge of the circuit court or another judge within the circuit other than the judge who issued the original order to suspend the driver’s license. The director of revenue’s entry of the court-ordered suspension on the driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any suspension of the driver’s license ordered by the court under this section shall be in addition to any other suspension that may occur as a result of the conviction pursuant to other provisions of law.”;

And further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **SB 969**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 969**, as amended, was declared perfected and ordered printed.

Senator Engler moved that **SB 895**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Mayer offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 895, Page 114, Section 376.309, Line 28, by inserting after all of said line the following:

“376.435. 1. As such terms are defined in section 376.1350, a health carrier providing a group health benefit plan or plans to an employer who meets the requirements specified in subsection 2 of this section shall, upon request by the employer or the employer's producer of record, provide a report of the total dollar amount and total number of claims paid under the plan or plans for each of the prior three years or for each year coverage was in place if less than three years at the time of the request. In the case of an employer with multiple plans, the total dollar amounts shall be aggregated into one report. The report shall be provided within thirty days of the request. The information provided to the employer or the employer's producer of record shall be furnished in a manner that does not individually identify any employee or other person covered by the health benefit plan and shall comply with all applicable federal and state privacy laws regarding the disclosure of health records.

2. Effective August 28, 2006, for purposes of subsection 1 of this section, an employer is one who:

(1) Employs at least fifty-one employees either at the time of the request or at the start of

the reporting period; and

(2) Has been insured continuously with the health carrier or a carrier affiliated with the health carrier for at least the preceding twenty-two months.

3. Effective January 1, 2008, and thereafter, the director of insurance may establish by rule the minimum number of eligible employees established under subdivision (1) of subsection 2 of this section. The number shall not be equal to or less than the maximum number of employees allowed for a “small employer” as defined in section 379.930, RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SB 895**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 895**, as amended, was declared perfected and ordered printed.

Senator Gibbons moved that **SB 1239** and **SB 1091**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 1239 and 1091, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1239 and 1091**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to affordable prescription drugs for all Missourians.

Was taken up.

Senator Gibbons moved that **SCS for SBs 1239 and 1091** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS for SBs 1239 and 1091** was declared perfected and ordered printed.

Senator Mayer moved that **SB 1027**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 1027, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1027**

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof two new sections relating to carriers of household goods.

Was taken up.

Senator Mayer moved that **SCS for SB 1027** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for SB 1027** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 832**, with **SCS**, **SS for SCS**, **SA 4** and **SSA 1 for SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for SA 4 was again taken up.

At the request of Senator Callahan, the above substitute amendment was withdrawn.

SA 4 was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Scott assumed the Chair.

Senator Dougherty offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 27, Section 99.845, Line 16 of said page, by inserting immediately after all of said line the following:

“(b) For redevelopment plans and projects adopted or redevelopment projects approved by ordinance, in a manner other than that provided in subdivision 2 of subsection 2 of section 99.825, after August 31, 2006, in a city not within a county, ninety percent of payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the “Special Allocation Fund” of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes that are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and

section 99.850. The remaining ten percent of payments in lieu of taxes shall be allocated to the fund created under section 162.635. If a redevelopment plan and project is adopted or redevelopment projects are approved by ordinance, in the manner other provided in subdivision 2 of subsection 2 of section 99.825 after August 31, 2006, in a city not within a county, the provisions of subdivision 2 of subsection 2 of section 99.825 shall apply to the allocation and use of economic activity taxes and no portion thereof shall be deposited into the fund created under 162.635.”; and

Further amend said bill and section by renumbering the remaining paragraphs accordingly; and

Further amend said bill, page 45, section 99.865, line 12 by inserting immediately after all of said line, the following:

“162.635. There is hereby created in the state treasury the “St. Louis City School Lead Abatement and Removal Fund”, which shall consist of moneys transferred under section 99.845, RSMo. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for lead reduction and removal in St. Louis City schools. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 6, Section 99.805, Line 20, by inserting immediately after the word “applicable.” the following:

“Legal fees incurred, by or on behalf of a developer or developers, as a result of a redevelopment project or plan shall not constitute redevelopment project costs, and the party incurring such costs shall be responsible for payment.”.

Senator Callahan moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Griesheimer offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 2, Section 99.805, Line 1 of said page, by inserting immediately after all of said line the following:

“(2) “Central business district”, the area at or near the historic core that is locally known as the “downtown” of a municipality, as designated pursuant to findings made by the governing body of a municipality;”; and

Further amend said section and page, line 23 of said page, by inserting immediately after “(4)” the following: **““Downtown revitalization project”, a redevelopment project with respect to which the governing body finds that:**

(a) The area of the redevelopment project is located wholly within the central business district of such municipality; and

(b) The payment of such redevelopment project costs will assist in the purchase, construction, reconstruction, or rehabilitation of structures or public infrastructure facilities

within the central business district;”; and

Further amend said section, page 4, line 26 of said page, by inserting immediately after “(8)” the following: **““Industrial infrastructure project”, a redevelopment project with respect to which the governing body finds that:**

(a) At least seventy-five percent of the land, excluding publicly owned rights of way and other publicly owned lands, within the area of the redevelopment project is used for industrial purposes;

(b) The redevelopment project costs to be funded within the area of such redevelopment project are exclusively for the purchase, construction, extension, or improvement of public infrastructure facilities; and

(c) The purpose of the redevelopment project is to maintain the predominantly industrial nature of the area of the redevelopment project and enhance the public infrastructure facilities therein;

(9)”; and

Further amend said section, page 5, line 23 of said page, by inserting immediately after “(12)” the following: **““Public infrastructure facilities”, the streets, roads, parking facilities, bridges, water supply and distribution systems, sewers and sewage treatment facilities, wastewater treatment facilities, storm water facilities, and similar publicly owned facilities;**

(13)”; and

Further amend said section, page 7, line 28 of said page, by inserting immediately after “(16)” the following: **““Residential rehabilitation project”, a redevelopment project with respect to which the governing body finds that:**

(a) At least seventy-five percent of the land, excluding publicly owned rights of way and other publicly owned lands, within the area of the redevelopment project is used for residential purposes;

(b) The redevelopment project costs to be funded within the area of such redevelopment project are exclusively for the reconstruction or rehabilitation of structures, or for the construction of public infrastructure facilities, or for the construction of infill housing on not greater than ten percent of the total land within the area of the redevelopment project; and

(c) The purpose of the redevelopment project is to maintain the predominantly residential nature of the area of the redevelopment project and enhance the quality of structures and public infrastructure facilities therein;

(17)”; and

Further amend said section by renumbering the subdivisions accordingly; and

Further amend said bill, page 10, section 99.810, line 8 of said page, by inserting at the end of said line the following: **“except in the case of the portion of any redevelopment plan which is a downtown revitalization project, residential rehabilitation project, or industrial infrastructure project where no single person or entity will receive more than twenty-five percent of the economic activity taxes and payments in lieu of taxes generated with the area of such redevelopment project,”; and**

Further amend page 11, section 99.820, line 9 of said page, by inserting immediately after all of said line the following:

“(2) By ordinance introduced to the governing body of the municipality, approve a redevelopment project or plan containing a set aside of funds derived from payments in lieu of taxes and economic activity taxes for low-interest loan programs or grants for downtown revitalization projects, residential rehabilitation projects, or industrial infrastructure projects only if a positive recommendation for the project or plan is made by the tax increment finance commission;”; and

Further amend said section by renumbering the remaining subdivisions accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion failed.

Senator Crowell offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 24, Section 99.841, Lines 6-7 of said page, by striking “or the Mid America Regional Council”; and further amend line 8 of said page, by striking “or the Mid America”; and further amend lines 9-10 of said page, by striking all of said lines and inserting in lieu thereof the following: “**may**”; and further amend line 16 of said page, by striking the word “predominantly” and inserting in lieu thereof the word “**solely**”; and further amend lines 22-23 of said page, by striking all of said lines and inserting in lieu thereof the following: “**a two-thirds majority vote of the governing body of the municipality shall be required for the**”; and further amend line 26 of said page, by striking the words “recommendation from” and inserting in lieu thereof the following: “**vote by the governing body of the municipality**”; and further amend lines 27-28 of said page, by striking the words “commission members representing the affected school board or boards”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 18, Section 99.820, Line 6 of said page, by inserting after the word “areas.” the following: “**In the event that the named developer on a project is a jurisdiction responsible for appointing tax increment finance commission members, then those appointed members shall be excluded from voting on any such proposed tax**

increment finance project or amendment.”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 832**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 832**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 1229**; **SCS** for **SB 961**; and **SB 1103**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1494**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1393**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 983**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 984**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1228**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1715**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 998**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **HCS** for **HB 1135**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 1710**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 1333**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 1366**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1424**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 1711**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic

Development, Tourism and Local Government, to which was referred **HB 1707**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1509**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 977**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 1508**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Hal and Darlene Roper and their daughter, Tammy Brown, Joplin.

Senator Klindt introduced to the Senate, Ron and Dixie Crider, Andrea Gaiser, Polly Hindman and Jessica Black.

Senator Barnitz introduced to the Senate, Norm Petrie, Brandon May, Max Manning, Brandon Diamond, Joe Barber, Josh Honse and Kassandra Skagg, representatives of Boys and

Girls Town of Missouri, St. James.

Senator Crowell introduced to the Senate, Becky James-Hatter, St. Louis.

Senator Graham introduced to the Senate, Superintendent Dick Davis, Coaches Steve Combs, Davin Stidham, J.R. Royston, Thomas Brundage, and Donna Chickering, Samuel Bushnell, Kyle Fisher and members of the Class 2 State Champion Harrisburg Bulldogs boys basketball team.

Senator Shields introduced to the Senate, Thom McNamara, David Horne, Cheryl Smith, Nancy Durham and Tyrone Knapp, Brice Sands, Lorena Riley, Brandi Holmes, Devin Delgado, Victor Jones and David Moss, representatives of Cornerstones of Care.

Senator Nodler introduced to the Senate, Valerie and Stoney Jackson, Chelsea Faubion and Paul and Barbara Friend, Greenfield; and Chelsea and Stoney were made honorary pages.

Senator Bray introduced to the Senate, Shirley Johnson, RN, MS, MBA, St. Louis.

Senator Wheeler introduced to the Senate, Gina Rosser, RN, OCN, and Sue Latham, Kansas City.

On behalf of Senator Gibbons, Senator Bartle introduced to the Senate, Scott Harris, Samantha Cwak, Shawn Boyd, Summer Smith and Brittany Schonhorn, students from the Edgewood Children's Center, Webster Groves; and Scott, Samantha, Shawn, Summer and Brittany were made honorary pages.

Senator Clemens introduced to the Senate, Mayor Donna McQuay and Alderwoman Kate Smith, Ozark.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Gale Osgood, M.D., and his wife, Patti, Columbia.

Senator Stouffer introduced to the Senate, thirty-eight fourth grade students from Laurence J. Daly Elementary School, Fayette.

Senator Klindt introduced to the Senate, former State Senator Glen Klippenstein, Maysville.

On behalf of Senator Coleman and herself, Senator Ridgeway introduced to the Senate, Vicky Hartzler, Michelle Esswein, Sandy Jones, Sarah Murray, Lori Smith-Patterson, Valerie White, Donayle Whitmore-Smith and Mary Cottom, representatives of the Missouri Women's Council.

Senator Clemens introduced to the Senate, Dolen Hopkins, Marshfield.

Senator Clemens introduced to the Senate, Rainboe Sims-Jones, Denver, Colorado; Cara Skon, St. Paul, Minnesota; and Abigail Heinz, St. Louis.

Senator Engler introduced to the Senate, students from East Carter County Elementary School, Ellsinore.

Senator Engler introduced to the Senate, students from Bismarck Elementary School, Bismarck.

Senator Nodler introduced to the Senate, Greg Hickman, Neosho.

Senator Vogel introduced to the Senate, fourth grade students from Immaculate Conception School, Jefferson City; and Rachel Bryan, Adam Bexten, Grant Haarmann and Sara Ahlers were made honorary pages.

Senator Scott introduced to the Senate, Joyce Brown and fourth grade students from Osceola Elementary School.

Senator Goodman introduced to the Senate, Scott Beckwith, Monett.

Senator Loudon introduced to the Senate, Linda LaConte, Jim Cibalka and forty-five seventh grade students from Incarnate Word School, Chesterfield.

Senator Crowell introduced to the Senate, thirty-five fourth grade students from St. Paul Lutheran School, Jackson.

Senator Green introduced to the Senate, Mr. and Mrs. Don Mueller, Florissant.

Senator Green introduced to the Senate, Rosemary Cira and her husband, Bill, Virginia Cook, Timothy Imperiale, Lawrence Beck and a group of Senior Citizens from St. Louis County; and Timothy and Lawrence were made honorary pages.

Senator Bartle introduced to the Senate, representatives of Farmers Insurance Group.

Senator Cauthorn introduced to the Senate, Donald Hamilton, LUTCF, Bowling Green.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FOURTH DAY—THURSDAY, APRIL 13, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

HOUSE BILLS ON SECOND READING

HJR 39-Bearden, et al
 HCS for HB 1532
 HCS for HB 1349
 HCS for HB 1317
 HCS for HB 1632
 HB 994-Dusenberg, et al

HB 1827-Wasson, et al
 HCS for HBs 1461, 1375, 1110 & 1103
 HCS for HB 1182
 HCS for HB 1397
 HCS for HBs 1270 & 1027

THIRD READING OF SENATE BILLS

1. SS for SCS for SB 882-Engler
 2. SS for SCS for SB 953-Engler
 3. SS for SCS for SB 976-Gibbons
 4. SB 1023-Gibbons, et al
 5. SS for SCS for SB 912-Goodman
 (In Fiscal Oversight)
 6. SCS for SB 1081-Clemens
 7. SB 1102-Alter
 8. SB 874-Shields, et al
 9. SJR 26-Ridgeway and Graham
 10. SJR 31-Ridgeway and Shields
 11. SS for SCS for SB 904-Griesheimer
 (In Fiscal Oversight)

12. SS for SCS for SB 1041-Gibbons
 13. SCS for SB 788-Klindt
 (In Fiscal Oversight)
 14. SS for SB 1058-Loudon
 15. SCS for SBs 567 & 792-Dougherty, et al
 (In Fiscal Oversight)
 16. SB 1107-Cauthorn
 17. SS for SCS for SBs 1210, 1244 &
 844-Koster (In Fiscal Oversight)
 18. SS for SCS for SB 1229-Champion
 19. SCS for SB 961-Ridgeway
 20. SB 1103-Goodman

SENATE BILLS FOR PERFECTION

SB 1009-Klindt

SB 655-Nodler, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1037-Mayer

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS

SB 617-Koster, with SCS

SB 635-Cauthorn
SB 637-Cauthorn, et al, with SCS & SA 3
(pending)
SB 642-Scott
SBs 665 & 757-Engler, with SCS & SA 1
(pending)
SB 736-Crowell and Cauthorn, with SCS
SB 770-Mayer and Crowell
SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending)
SB 817-Scott, et al
SB 820-Koster, with SCS
SB 841-Ridgeway, et al, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SB 862-Engler, with SCS
SB 913-Vogel, with SCS
SB 924-Klindt, with SCS

SBs 1014 & 730-Scott and Gibbons,
with SCS, SS for SCS, SA 1 & SSA 3
for SA 1 (pending)
SBs 1031 & 846-Klindt, with SCS
SB 1038-Mayer
SB 1049-Shields, with SCS
SB 1072-Loudon
SB 1076-Goodman
SB 1092-Klindt, with SCS
SB 1104-Cauthorn and Klindt, with SCS
SB 1114-Goodman & Loudon, with SCS
SBs 1185, 1163, 1174, 1200 & 1225-Engler,
with SCS
SB 1188-Gibbons
SB 1217-Goodman
SB 1222-Goodman, with SCS
SB 1236-Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1679
HCS for HB 1559
HB 1858-Lipke
HCS for HBs 1617 & 1374 (Stouffer)
HCS for HB 1053 (Wheeler)

HCS#2 for HB 1703 (Bartle)
HB 1857-Lipke
HCS for HB 1343 (Cauthorn)
HB 1320-Lipke, et al
HB 1204-Roorda, et al

HB 1427-Johnson (90), et al	HCS for HB 1180
HB 1169-Cooper (120) (Scott)	HB 1234-Loehner, et al (Clemens)
HCS for HB 1153, with SCS (Scott)	HB 1245-Sater, et al (Shields)
HCS for HB 1432 (Vogel)	HB 1251-Guest, et al (Gross)
HCS for HB 1759 (Goodman)	HCS for HB 1449, with SCS (Mayer)
HCS for HB 1739 (Bartle)	HCS for HB 1511, with SCS
HB 1392-Behnen, with SCS	HB 1653-Walton, with SCS
HCS for HB 1339	HB 1732-Fraser, et al
HCS for HB 1244 (Engler)	HB 1494-Emery, et al (Scott)
HCS for HB 1551 (Engler)	HB 1393-Behnen, et al
HB 1118-Dempsey, et al, with SCS (Shields)	HB 983-Meadows, et al
HB 1601-Weter, et al, with SCS (Dougherty)	HB 984-Meadows, et al
HB 1687-Wright (137), et al, with SCA 1	HB 1228-Ruestman, et al (Ridgeway)
HB 1222-Cooper (158) (Scott)	HB 1715-Pratt
HB 1491-Walton, et al (Days)	HB 998-Smith (118)
HB 1437-Threlkeld, with SCS (Bartle)	HCS for HB 1135
HCS for HB 1515	HCS for HB 1710
HCS for HB 1787, with SCS (Mayer)	HCS for HB 1333
HCS for HB 978, with SCS	HCS for HB 1366
HCS for HB 1306, with SCS	HB 1424-Franz (Purgason)
HCS for HB 1344 (Coleman)	HCS for HB 1711
HCS for HB 1552	HB 1707-Dusenberger, et al, with SCS
HCS for HB 1138 (Ridgeway)	(Bartle)
HCS for HB 1256	HB 1509-Bruns and Wildberger, with SCS
HCS for HB 1762, with SCS	(Vogel)
HCS for HBs 1382 & 1158, with SCS	HCS for HB 977, with SCS
HB 1488-Roorda, et al	HCS for HB 1508, with SCS (Vogel)
HB 1105-Wilson (119), et al	

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS	SCR 32-Days
SCR 28-Days and Nodler	SCR 31-Purgason, et al
SCR 29-Graham	SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FOURTH DAY—THURSDAY, APRIL 13, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“And I said, Oh, that I had wings like a dove! For then would I fly away and be at rest.” (Psalm 55:6)

Creator God, it will be good to return home and be with those You have given us to love and have a longer weekend break, for it will certainly help us to rest and be renewed. But even there, Lord, obligations and responsibilities remain and it would be nice to “fly away” from everything. But You have promised to be with us and sustain us and to provide us the means to accomplish all that lies ahead. So help us use this time to be spiritually refreshed and lovingly connected and find joy and rest in You that will not go away. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from Black Knight Television Channel 20 had been given permission to take pictures in the Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 2698

Whereas, the members of the Missouri Senate hold in high esteem those Show-Me State educators who serve as coaches in athletic programs that embody the highest standards of sportsmanship, teamwork, and drive throughout the competitive season; and

Whereas, Tony Pace has attained considerable distinction as the Tuscumbia High School boys basketball coach whose team took Fourth Place in Class 1 Missouri State High School Activities Association action to end the 2005-2006 season with an overall 22-

10 win-loss record; and

Whereas, Tony Pace recently enhanced his already impressive record of achievement when he was named Class 1 Coach of the Year by the Missouri Sportswriters and Sportscasters; and

Whereas, Tony Pace lettered all four years as a collegiate basketball player at Westminster College in Fulton, and in 1996 he set the school record for free throws with a 91% success rate; and

Whereas, in high school Tony Pace played for Fred Norman on a team that took Second Place in the state in 1982; and

Whereas, Tony Pace also serves as cochairman of the Recreation Committee at First Baptist Church, which offers volleyball, basketball, and softball leagues for the community; and

Whereas, Tony Pace often fills in as referee or umpire for community games and is active in the Sports Crusaders organization that has organized several mission trips to Mexico and to Belarus to use sports as a means to convey Christian evangelism; and

Whereas, the beloved husband of Renee, Tony Pace enjoys hiking and camping in the mountains and has made several recreational trips to Colorado, Washington, and Hawaii; and

Whereas, Tony Pace and his wife also have ridden bicycles across the state of Missouri by following the Katy Trail from Saint Charles to Clinton:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-third General Assembly, join to applaud the well-deserved selection of Tony Pace as the Class 1 Coach of the Year by the Missouri Sportswriters and Sportscasters and to convey to him this legislative body's most heartfelt best wishes for continued personal, academic, and athletic success for many more years to come; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Tony Pace.

Senator Klindt offered Senate Resolution No. 2699, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary McCollum, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 2700, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Junior Benjamin Law, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 2701, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Delvin Wilford, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 2702, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Jack Galbraith, Rea, which was adopted.

Senator Klindt offered Senate Resolution No. 2703, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Hare, Fillmore, which was adopted.

Senator Koster offered Senate Resolution No. 2704, regarding Freedom of Road Riders, Incorporated, which was adopted.

HOUSE BILLS ON SECOND READING

The following Joint Resolution and Bill were read the 2nd time and referred to the Committees indicated:

HJR 39—Education.

HCS for HB 1532—Transportation.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Linda H. Duffy, Hal D. Roper, and William "Jay" Acock, Republicans; and Claire Rebecca "Becky" James-Hatter, Democrat, as members of the Missouri Community Service Commission;

Also,

Dixie J. Crider, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Michele S. Ohmes, Democrat; and Wilson J. Winn, Republican, as members of the Elevator Safety Board;

Also,

David A. Hamilton, Democrat, as a member of the Dam and Reservoir Safety Council;

Also,

Eric V. Barnhart, Republican, as a member of the Public Defender Commission;

Also,

Patrick A. Naeger, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Charles L. Barry, Republican, as a member of the Missouri Veterinary Medical Board;

Also,

John Riffle, Democrat, as a member of the Land Reclamation Commission;

Also,

Betty J. Leake, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Jerry R. King, Republican, as a member of the State Fair Commission;

Also,

Kevin S. Cahill, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee

on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 1088**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 1037**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 1149**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1032**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1440**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1140**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1251**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 873**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1144**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1192**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1577**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1722**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1833**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1988**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS for SB 788**; **SCS for SBs 567 and 792**; **SS for SCS for SBs 1210, 1244**

and **844**; **SS** for **SB 912**; and **SS** for **SCS** for **SB 904**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 1466**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 759**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Koster assumed the Chair.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 882**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 882

An Act to amend chapter 319, RSMo, by adding thereto sixteen new sections relating to blasting and excavation, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SB 882** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senators

Goodman Kennedy—2

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 953**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 953

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth

general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof forty-three new sections relating to the regulation of title insurance, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SB 953** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 976**, introduced by Senator

Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 976

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste, with an emergency clause.

Was taken up.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 976** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1023, introduced by Senator Gibbons, et al, entitled:

An Act to repeal section 650.055, RSMo, and to enact in lieu thereof two new sections relating to exoneration using DNA testing, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SB 1023** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 912**, introduced by Senator Goodman, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 912

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the establishment of a virtual public school.

Was taken up.

On motion of Senator Goodman, **SS** for **SCS** for **SB 912** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SCS for **SB 1081**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081

An Act to repeal section 644.051, RSMo, and to enact in lieu thereof one new section relating to a bond requirement for issuance of permits for construction of wastewater treatment facilities.

Was taken up by Senator Clemens.

On motion of Senator Clemens, **SCS** for **SB 1081** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1102, introduced by Senator Alter, entitled:

An Act to repeal sections 67.320 and 227.559, RSMo, and to enact in lieu thereof two new sections relating to county ordinances.

Was taken up.

On motion of Senator Alter, **SB 1102** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Alter, title to the bill was agreed to.

Senator Alter moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 874, introduced by Senator Shields, et al, entitled:

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers.

Was taken up.

Pursuant to Senate Rule 91, Senator Wilson

was excused from voting on the 3rd reading motion.

On motion of Senator Shields, **SB 874** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Vogel
Wheeler—29			

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Excused from voting—Senator Wilson—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SJR 26, introduced by Senators Ridgeway and Graham, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of veterans' organizations.

Was taken up by Senator Ridgeway.

On motion of Senator Ridgeway, **SJR 26** was

read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the joint resolution passed.

On motion of Senator Ridgeway, title to the joint resolution was agreed to.

Senator Ridgeway moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SJR 31, introduced by Senators Ridgeway and Shields, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bonded indebtedness of school districts.

Was taken up by Senator Ridgeway.

On motion of Senator Ridgeway, **SJR 31** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler

Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the joint resolution passed.

On motion of Senator Ridgeway, title to the joint resolution was agreed to.

Senator Ridgeway moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 904, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 904

An Act to repeal sections 8.007, 8.010, 8.110, 8.115, 8.120, 8.178, 8.180, 8.200, 8.250, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.420, 8.800, 8.803, 8.805, 8.807, 8.812, 8.815, 8.817, 8.823, 8.830, 8.833, 8.835, 8.837, 8.843, 8.847, 8.849, 8.851, 34.030, 37.005, 107.170, and 610.021, RSMo, and to enact in lieu thereof forty-three new sections relating to designing, building, and managing state buildings, with penalty provisions.

Was taken up.

On motion of Senator Griesheimer, **SS for SCS for SB 904** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 1041, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1041

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to obtaining, receiving and selling personal health information, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SS for SCS for SB 1041** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 788**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 788

An Act to repeal sections 323.020 and 323.100, RSMo, and to enact in lieu thereof two new sections relating to the Missouri propane safety act.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS** for **SB 788** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer

Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 1058**, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1058

An Act to amend chapter 385, RSMo, by adding thereto thirteen new sections relating to the vehicle protection product act, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Loudon, **SS** for **SB 1058** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SBs 567** and **792**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 567 and 792

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care coverage for clinical trials.

Was taken up by Senator Dougherty.

On motion of Senator Dougherty, **SCS** for **SBs 567** and **792** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Goodman assumed the Chair.

SB 1107, introduced by Senator Cauthorn, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing, with penalty provisions.

Was taken up.

On motion of Senator Cauthorn, **SB 1107** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Clemens	Crowell	Days	Dougherty
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Stouffer	Wilson—23	

NAYS—Senators

Barnitz	Bray	Champion	Scott
Shields	Vogel—6		

Absent—Senators

Engler Wheeler—2

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 1210, 1244 and 844, introduced by Senator Koster, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1210, 1244 and 844

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof eight new sections relating to Medicaid fraud, with penalty provisions.

Was taken up.

On motion of Senator Koster, **SS for SCS for SBs 1210, 1244 and 844** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 1229, introduced by Senator Champion, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1229

An Act to repeal sections 135.327 and 135.333, RSMo, and to enact in lieu thereof two new sections relating to tax credits for children in crisis.

Was taken up.

On motion of Senator Champion, **SS for SCS for SB 1229** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 961, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 961**

An Act to amend chapter 390, RSMo, by adding thereto one new section relating to indemnity agreements in motor carrier transportation contracts.

Was taken up by Senator Ridgeway.

Senator Crowell assumed the Chair.

On motion of Senator Ridgeway, **SCS for SB 961** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1103, introduced by Senator Goodman, entitled:

An Act to repeal section 354.430, RSMo, and

to enact in lieu thereof one new section relating to the issuance of health insurance coverage evidence.

Was taken up.

On motion of Senator Goodman, **SB 1103** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 1027**; **SCS for SBs 1239 and 1091**; **SS for SCS for SB 969**; **SS for SCS for SB 832**; and **SS for SCS for SB 895**, begs leave to

report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 832**; **SS** for **SCS** for **SB 969**; and **SCS** for **SBs 1239** and **1091** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 1037, introduced by Senator Mayer, entitled:

An Act to repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to the public drinking water primacy fee.

Was called from the Informal Calendar and taken up.

On motion of Senator Mayer, **SB 1037** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Clemens	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Gross	Koster	Mayer	Nodler
Ridgeway	Shields	Stouffer	Vogel
Wheeler	Wilson—22		

NAYS—Senators

Barnitz	Callahan	Champion	Graham
Griesheimer	Kennedy	Loudon	Scott—8

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 43**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 44 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bird, fish, game, wildlife, or forestry resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1944**, entitled:

An Act to repeal sections 99.120, 99.460, 100.420, 238.247, 353.130, 523.040, 523.055, 523.060, 523.200, and 523.205, RSMo, and to enact in lieu thereof twenty-six new sections relating to eminent domain, with a severability clause.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1485**,

entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to pregnancy resource centers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1698, 1236, 995, 1362 and 1290**, entitled:

An Act to repeal sections 217.735, 544.671, 547.170, 558.018, 559.106, 566.010, 566.030, 566.032, 566.060, 566.062, 566.083, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.015, 589.414, 589.425, 632.484, 632.489, and 632.495, RSMo, and to enact in lieu thereof thirty-five new sections relating to sexual offenders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1305**, entitled:

An Act to repeal sections 32.040, 32.051, 70.615, 86.590, 104.040, 105.268, 105.660, 105.665, and 320.320, RSMo, and to enact in lieu thereof twelve new sections relating to retirement plans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1065**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1482**, entitled:

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof one new section relating to national guard educational assistance grants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1905**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to supplemental food stamp assistance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONCURRENT RESOLUTIONS

Senator Scott moved that **SCR 24**, with **SCS**, entitled:

Relating to the Poultry Industry Committee.

Be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCR 24**, entitled:

Relating to the Poultry Industry Committee.

Was taken up.

Senator Scott moved that **SCS** for **SCR 24** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SCR 24** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Scott, title to the concurrent resolution was agreed to.

Senator Scott moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Days moved that **SCR 28**, entitled:

Relating to the naming of the George Washington Carver State Office Building.

Be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Days, **SCR 28** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler

Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Days, title to the concurrent resolution was agreed to.

Senator Days moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Graham moved that **SCR 29** be taken up for adoption, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Graham, **SCR 29** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

Senator Days moved that **SCR 32** be taken up for adoption, which motion prevailed.

On motion of Senator Days, **SCR 32** was

adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—1

SENATE BILLS FOR PERFECTION

Senator Dougherty moved that **SB 566**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 566**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 566

An Act to repeal sections 195.070, 195.100, and 334.104, RSMo, and to enact in lieu thereof three new sections relating to advanced practice registered nurses.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 566** be adopted.

Senator Dougherty offered **SS** for **SCS** for **SB 566**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 566

An Act to repeal sections 195.070 and 195.100, RSMo, and to enact in lieu thereof three

new sections relating to advanced practice registered nurses.

Senator Dougherty moved that **SS** for **SCS** for **SB 566** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 566, Page 4, Section 334.108, Line 3, by inserting immediately after all of said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, an advanced practice registered nurse, as defined in section 335.016, RSMo, shall not practice in a licensed pharmacy, as defined in section 338.210, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Dougherty, **SB 566**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1045, 1152, 1267** and **1634**, entitled:

An Act to repeal section 227.345, RSMo, and to enact in lieu thereof eight new sections relating to the establishment of memorial highways and bridges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1865**, entitled:

An Act to repeal sections 173.215, 173.220, and 173.820, RSMo, and to enact in lieu thereof eleven new sections relating to higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 2705, regarding Jacob Bryant, Branson, which was adopted.

Senator Stouffer offered Senate Resolution No. 2706, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Atherton, Carrollton, which was adopted.

COMMUNICATIONS

Senator Green submitted the following:

April 13, 2006

Senator Michael Gibbons	Senator Charlie Shields	Terry L. Spieler
Senate Pro Tem	Rules Committee Chair	Secretary of the Senate
State Capitol, Room 326	State Capitol, Room 320	State Capitol, Room 325
Jefferson City, MO 65101	Jefferson City, MO 65101	Jefferson City, MO 65101

Re: HB 1153 (Consent Calendar 4/13/06)

Written Objection Pursuant to Senate Rule 45

Senators Gibbons & Shields, Secretary Spieler:

I hereby file written objection to the "consent" status of HB 1153 and direct that said bill be returned to the Senate Committee on Financial, Governmental Organizations, and Elections pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,
/s/ Timothy P. Green
Timothy P. Green
State Senator
13th Senatorial District

Also,

April 13, 2006

Senator Michael Gibbons	Senator Charlie Shields	Terry L. Spieler
Senate Pro Tem	Rules Committee Chair	Secretary of the Senate
State Capitol, Room 326	State Capitol, Room 320	State Capitol, Room 325
Jefferson City, MO 65101	Jefferson City, MO 65101	Jefferson City, MO 65101

Re: HB 1653 (Consent Calendar 4/13/06)

Written Objection Pursuant to Senate Rule 45

Senators Gibbons & Shields, Secretary Spieler:

I hereby file written objection to the "consent" status of HB 1653 and direct that said bill be returned to the Senate Committee on Education pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,
/s/ Timothy P. Green
Timothy P. Green
State Senator
13th Senatorial District

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Tim Counts, Ryan McFarlin, Aaron Cox, Dustin Kopp, Aaron Murray and Jack Sadler, Farmington High School.

Senator Bartle introduced to the Senate, the Physician of the Day, Dr. Melissa Cable, M.D.

Senator Vogel introduced to the Senate, Principal Lyle Holzberlein, Coach Tony Pace and his wife Renee, Kay Pace, Chris Mertens, Joan Taylor, Fonda Bunch and Don Pittrick, Tuscumbia High School.

On behalf of Senator Griesheimer and herself, Senator Champion introduced to the Senate, Linda and Mark Hagen, Washington.

Senator Goodman introduced to the Senate, parents and twenty-two eighth grade students from Shell Knob Elementary School.

Senator Greisheimer introduced to the Senate, parents and members of Our Lady of Lourdes Webelos Pack 464, Washington; and Logan Morton, Jacob Wunderlich, Alex Betlach and Zachary Schmitt were made honorary pages.

Senator Scott introduced to the Senate, Sgt. Jacob Pearson, Hickory County.

On behalf of Senator Koster, the President introduced to the Senate, forty fourth grade students from Archie R-5 Elementary School; and Cheyenne Cumpston, Jacob Gordan, Leslie Iseman and Camille Henderson were made honorary pages.

Senator Kennedy introduced to the Senate,

Bill and Norma Evers, St. Louis.

On behalf of Senator Nodler and himself, Senator Goodman introduced to the Senate, Shirley Russell, Neosho.

On motion of Senator Shields, the Senate adjourned until 12:00 noon, Tuesday, April 18, 2006.

SENATE CALENDAR

FIFTY-FIFTH DAY—TUESDAY, APRIL 18, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1349

HCS for HB 1317

HCS for HB 1632

HB 994-Dusenberger, et al

HB 1827-Wasson, et al

HCS for HBs 1461, 1375, 1110 & 1103

HCS for HB 1182

HCS for HB 1397

HCS for HBs 1270 & 1027

HJR 43-Dethrow, et al

HCS for HB 1944

HCS for HB 1485

HCS for HBs 1698, 1236, 995, 1362 & 1290

HCS for HB 1305

HB 1065-Tilley, et al

HCS for HB 1482

HB 1905-Jetton, et al

HCS for HBs 1045, 1152, 1267 & 1634

HB 1865-Bearden, et al

THIRD READING OF SENATE BILLS

SCS for SB 1027-Mayer

SCS for SBs 1239 & 1091-Gibbons

(In Fiscal Oversight)

SS for SCS for SB 969-Stouffer

(In Fiscal Oversight)

SS for SCS for SB 832-Griesheimer

(In Fiscal Oversight)

SS for SCS for SB 895-Engler

SENATE BILLS FOR PERFECTION

SB 1009-Klindt	SB 687-Scott and Bartle, with SCS
SB 655-Nodler, with SCS	SB 1251-Shields, with SCS
SB 1032-Cauthorn, with SCS	SB 873-Gibbons
SB 1140-Gibbons, with SCS	SB 759-Engler

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS for SCS (pending)	SB 913-Vogel, with SCS
SB 617-Koster, with SCS	SB 924-Klindt, with SCS
SB 635-Cauthorn	SBs 1014 & 730-Scott and Gibbons, with SCS, SS for SCS, SA 1 & SSA 3 for SA 1 (pending)
SB 637-Cauthorn, et al, with SCS & SA 3 (pending)	SBs 1031 & 846-Klindt, with SCS
SB 642-Scott	SB 1038-Mayer
SBs 665 & 757-Engler, with SCS & SA 1 (pending)	SB 1049-Shields, with SCS
SB 736-Crowell and Cauthorn, with SCS	SB 1072-Loudon
SB 770-Mayer and Crowell	SB 1076-Goodman
SB 816-Griesheimer and Coleman, with SCS & SS#2 for SCS (pending)	SB 1092-Klindt, with SCS
SB 817-Scott, et al	SB 1104-Cauthorn and Klindt, with SCS
SB 820-Koster, with SCS	SB 1114-Goodman & Loudon, with SCS
SB 841-Ridgeway, et al, with SCS	SBs 1185, 1163, 1174, 1200 & 1225-Engler, with SCS
SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)	SB 1188-Gibbons
SB 862-Engler, with SCS	SB 1217-Goodman
	SB 1222-Goodman, with SCS
	SB 1236-Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1679

HCS for HB 1559

HB 1858-Lipke (Goodman)

HCS for HBs 1617 & 1374 (Stouffer)

HCS for HB 1053 (Wheeler)

HCS#2 for HB 1703 (Bartle)

HB 1857-Lipke (Goodman)

HCS for HB 1343 (Cauthorn)

HB 1320-Lipke, et al (Gibbons)

HB 1204-Roord, et al (Alter)

HB 1427-Johnson (90), et al

HB 1169-Cooper (120) (Scott)

HCS for HB 1432 (Vogel)

HCS for HB 1759 (Clemens)

HCS for HB 1739 (Bartle)

HB 1392-Behnen, with SCS (Scott)

HCS for HB 1339 (Goodman)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HB 1118-Dempsey, et al, with SCS
(Shields)HB 1601-Weter, et al, with SCS
(Dougherty)

HB 1687-Wright (137), et al, with SCA 1

HB 1222-Cooper (158) (Scott)

HB 1491-Walton, et al (Days)

HB 1437-Threlkeld, with SCS (Bartle)

HCS for HB 1515 (Koster)

HCS for HB 1787, with SCS (Mayer)

HCS for HB 978, with SCS (Goodman)

HCS for HB 1306, with SCS (Crowell)

HCS for HB 1344 (Coleman)

HCS for HB 1552

HCS for HB 1138 (Ridgeway)

HCS for HB 1256

HCS for HB 1762, with SCS

HCS for HBs 1382 & 1158, with SCS

HB 1488-Roord, et al (Kennedy)

HB 1105-Wilson (119), et al

HCS for HB 1180 (Bray)

HB 1234-Loehner, et al (Clemens)

HB 1245-Sater, et al (Shields)

HB 1251-Guest, et al (Gross)

HCS for HB 1449, with SCS (Mayer)

HCS for HB 1511, with SCS (Shields)

HB 1732-Fraser, et al (Days)

HB 1494-Emery, et al (Scott)

HB 1393-Behnen, et al (Goodman)

HB 983-Meadows, et al (Alter)

HB 984-Meadows, et al (Alter)

HB 1228-Ruestman, et al (Ridgeway)

HB 1715-Pratt (Bartle)

HB 998-Smith (118) (Scott)

HCS for HB 1135 (Stouffer)

HCS for HB 1710

HCS for HB 1333 (Mayer)

HCS for HB 1366

HB 1424-Franz (Purgason)

HCS for HB 1711

HB 1707-Dusenber, et al, with SCS
(Bartle)HB 1509-Bruns and Wildberger, with SCS
(Vogel)

HCS for HB 977, with SCS (Engler)

HCS for HB 1508, with SCS (Vogel)

Reported 4/13

HB 1088-Schaaf, et al
HCS for HB 1037
HCS for HB 1149, with SCS (Scott)
HCS for HB 1440, with SCS
HB 1144-May, et al
HB 1192-Smith (118), et al (Scott)

HB 1577-Pollock, et al (Clemens)
HB 1722-Sutherland, et al
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus

RESOLUTIONS

Reported from Committee

SCR 31-Purgason, et al
SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY—TUESDAY, APRIL 18, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“Draw nigh to God, and He will draw nigh to you.” (James 4:8)

Absent with leave—Senators—None

Gracious God, help us draw closer to You so we may be closer to one another. And help us to uplift one another so that we will be more the persons You desire us to be. Help us to pray for one another so distances between each other may diminish. In Your Holy Name we pray. Amen.

Vacancies—1

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 2707, regarding Alan Monte Dockery, Warsaw, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Wheeler offered Senate Resolution No. 2708, regarding the 2006 Willis Family Reunion, which was adopted.

The Journal for Thursday, April 13, 2006 was read and approved.

Senator Barnitz offered Senate Resolution No. 2709, regarding KSMO Radio/Your World Today, which was adopted.

The following Senators were present during the day’s proceedings:

Senator Barnitz offered Senate Resolution No. 2710, regarding The Salem News, which was adopted.

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Senator Dougherty offered Senate Resolution No. 2711, regarding Zora Ward, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 2712, regarding Holly Harmon, Crane, which

was adopted.

Senator Vogel offered Senate Resolution No. 2713, regarding Patricia “Patti” Davenport, Jefferson City, which was adopted.

Senator Wheeler offered Senate Resolution No. 2714, regarding Leslie W. “Les” Williams, Jr., which was adopted.

Senator Purgason offered Senate Resolution No. 2715, regarding the Ninety-fifth Birthday of Dorothea Tribble, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2716, regarding the Ninetieth Birthday of Kathryn Hooper, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2717, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Von Prater, Lebanon, which was adopted.

Senator Champion offered Senate Resolution No. 2718, regarding Todd Albert H'Doubler, which was adopted.

Senator Champion offered Senate Resolution No. 2719, regarding Mickey Tolliver, Springfield, which was adopted.

Senator Wheeler offered Senate Resolution No. 2720, regarding WDAF Fox 4 News, which was adopted.

Senator Wheeler offered Senate Resolution No. 2721, regarding KSHB Channel 41-NBC Action News, which was adopted.

Senator Wheeler offered Senate Resolution No. 2722, regarding NBC Action News, which was adopted.

Senator Stouffer offered Senate Resolution No. 2723, regarding Emma Shockley, which was adopted.

Senator Engler offered Senate Resolution No. 2724, regarding Wilma Elizabeth Ball, Van Buren, which was adopted.

Senator Engler offered Senate Resolution No.

2725, regarding Zachary E. Bridgewater, Festus, which was adopted.

Senator Nodler offered Senate Resolution No. 2726, regarding KMXL Radio, which was adopted.

Senator Crowell offered Senate Resolution No. 2727, regarding Virginia Rahkopf, Cape Girardeau, which was adopted.

Senator Shields offered Senate Resolution No. 2728, regarding KQTV, which was adopted.

Senator Vogel offered Senate Resolution No. 2729, regarding Jim Hofmann, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1873**, entitled:

An Act to repeal section 208.930, RSMo, and to enact in lieu thereof one new section relating to personal care assistance services, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of James W. Loch to the Northwest Missouri State University Board of Regents, submitted on March 15, 2006. Lines 1 and 2 should be

amended as follows:

“James W. Loch, Democrat, 945 South Dunn, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest Missouri State University”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Anthony “Tony” Stafford to the Citizens’ Advisory Commission for Marketing Missouri Agricultural Products, submitted on April 5, 2006. Line 5 should be amended as follows:

“qualified; vice, Deanne Lynn Hackman, resigned.”

Respectfully submitted,
MATT BLUNT

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1001**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 924**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 924**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 924

An Act to amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act, with an effective date.

Was taken up.

Senator Klindt moved that **SCS** for **SB 924** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 924** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 895** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1349**—Financial and Governmental Organizations and Elections.

HCS for **HB 1317**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1632**—Commerce, Energy and the Environment.

HB 994—Transportation.

HB 1827—Small Business, Insurance and Industrial Relations.

HCS for **HBs 1461, 1375, 1110 and 1103**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1182**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1397**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HBs 1270 and 1027**—Agriculture, Conservation, Parks and Natural Resources.

HJR 43—Agriculture, Conservation, Parks and Natural Resources.

HCS for **HB 1944**—Pensions, Veterans' Affairs and General Laws.

HCS for **HB 1485**—Ways and Means.

HCS for **HBs 1698, 1236, 995, 1362** and **1290**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1305**—Pensions, Veterans' Affairs and General Laws.

HB 1065—Financial and Governmental Organizations and Elections.

HCS for **HB 1482**—Pensions, Veterans' Affairs and General Laws.

HB 1905—Aging, Families, Mental and Public Health.

HCS for **HBs 1045, 1152, 1267** and **1634**—Transportation.

HB 1865—Education.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 1185, SB 1163, SB 1174, SB 1200** and **SB 1225**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1185, 1163, 1174, 1200** and **1225**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1185, 1163, 1174, 1200 and 1225

An Act to repeal sections 42.014, 42.015, 44.020, 44.024, 44.237, 135.550, 192.510, 306.114, 306.117, 384.025, 384.051, 384.062, 577.020, 577.026, 577.037, 577.208, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof twenty-nine new sections relating to the transfer of duties between certain state agencies, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Engler moved that **SCS** for **SBs 1185, 1163, 1174, 1200** and **1225** be adopted.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1185, 1163, 1174, 1200 and 1225, Page 30, Section 42.015, Line 15, by inserting after all of said line the following:

“3. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January first of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 1** was withdrawn.

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1185, 1163, 1174, 1200, and 1225, Page 30, Section 595.045, Line 15, by inserting after all of said line the following:

“3. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January first of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 1185, 1163, 1174, 1200 and 1225, Page 7, Section 192.510, Line 8, by inserting after all of said line the following:

“287.717. 1. Beginning January 1, 2004, the administrative surcharge established pursuant to section 287.716 shall be collected from deductible plan policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the administrative surcharge as a fee or commission for its collection. The administrative surcharge is not subject to any taxes, licenses, or fees.

2. All administrative surcharges imposed pursuant to section 287.716 shall be paid to the Missouri director of revenue and shall be deposited to the workers' compensation administrative fund.

3. [The amount of the administrative surcharge due for the current calendar year shall be paid in four approximately equal estimated quarterly installments, and a fifth reconciling installment. The first four installments shall be based upon the amount of administrative surcharge payable in the calendar year for which the surcharge is imposed. The quarterly installments shall be made on the first day of March, the first day of June, the first day of September, and the first day of December. On or before the first day of March of each year, every such insurer shall submit a report, verified by the affidavit of its president and secretary or other chief officers or agents, to the director of the department of insurance, stating the amount of all such total premiums which would have been paid for the deductible portion.

4. If after the end of any calendar year, the amount of the actual administrative surcharge due is less than the total amount of the installments actually paid, the amount by which the amount

paid exceeds the amount due shall only be credited against the administrative surcharge for the following year and deducted from the quarterly installment due on June first and any other payments required by this section until the credit is exhausted. In the event no such payments are due and upon application of the insurer, the director of revenue may refund the amount of credit if no other obligation is owed to the state.

5.] Such surcharge amounts shall be paid quarterly by insurers. Insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. The administrative surcharge amounts shall be deemed paid to the state if they are postmarked by the United States post office or received by the thirtieth day of the month following the end of the quarter in which the amount is owed. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

4. If a deductible plan policyholder fails to make payment of the administrative surcharge, or an insurer fails to make timely transfer to the director of revenue of administrative surcharges actually collected from deductible plan policyholders, as required by this section, a late charge of one-half of one percent of the administrative surcharge unpaid, or transferred, shall be assessed against the liable deductible plan policyholder or insurer. Late charges assessed pursuant to this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

[6.] **5.** If the administrative surcharges imposed by this section are not paid when due, the

deductible plan policyholder or insurer shall be required to pay, as part of such administrative surcharge, interest thereon at the rate of one and one-half percent per month for each month or fraction thereof delinquent. In the event the state prevails in any dispute concerning an assessment of the administrative surcharge, which has not been paid by the policyholder or insurer, interest shall be paid upon the amount found due to the state at the rate of one and one-half percent per month for each month or fraction thereof delinquent.

6. On or before the first day of March of each year such insurer shall submit a report, verified by the affidavit of its president and secretary or other chief officers or agents, to the director of the division of workers' compensation, stating the amount of all such total premiums that would have been paid for the deductible policies during the prior calendar year.

7. The division may authorize electronic transfer of all forms, reports, payments, and other information deemed appropriate by the division as required pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716. Information filed pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716 and under any rules promulgated by the division pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716 shall be confidential and not subject to chapter 610, RSMo.

8. This section shall not apply to any employer or group of employers authorized by the division to self-insure their liability pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS for SBs 1185, 1163, 1174, 1200 and 1225**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS for SBs 1185, 1163, 1174, 1200 and 1225**, as amended, was declared perfected and ordered printed.

Senator Goodman moved that **SB 1222**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 1222, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1222

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund.

Was taken up.

Senator Goodman moved that **SCS for SB 1222** be adopted.

Senator Purgason offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1222, Page 2, Section 261.112, Line 43, by inserting immediately after all of said line the following:

“5. The provisions of this section shall expire on August 28, 2009.”.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1222, Page 2, Section 261.112, Line 22, by inserting after the word “sustainable” the following:

“and traditional”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 3**, which was

read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1222, Page 2, Section 261.112, Line 35, by inserting immediately after the word “sustainable” the following:

“and traditional”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SCS** for **SB 1222**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 1222**, as amended, was declared perfected and ordered printed.

Senator Engler moved that **SB 1236**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1236**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1236

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 1236** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 1236**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1236

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and

to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 1236** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1236, Page 9, Section 236.415, Line 20 of said page, by inserting immediately after the word “established” the following: **“for design review of high and significant hazard dams”**; and further amend lines 21-22 of said page by striking all of said lines and inserting in lieu thereof the following: **“one percent of the total estimated cost of the dam or reservoir.”**; and further amend line 23 of said page by striking “2008” and inserting in lieu thereof the following: **“2007”**; and further amend line 26 of said page by striking the word “department” and inserting in lieu thereof the following: **“council”**; and

Further amend said section, page 10, line 6 of said page, by striking “2009” and inserting in lieu thereof the following: **“2008”**; and

Further amend said bill, page 19, section 236.440, line 23 of said page, by inserting immediately after the word “owner” the following: **“of a high or significant hazard dam or reservoir”**.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Engler moved that **SS** for **SCS** for **SB 1236**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 1236**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 770** be called from the Informal Calendar and taken up for

perfection, which motion prevailed.

Senator Mayer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 770, Page 1, Section 50.565, Line 8, by inserting immediately after the word “be” the following: “**current or former county elected officials**,”; and further amend said section and page, line 10, by inserting immediately after “county,” as it first appears in said line, the following: “**office of the county commissioners**,”; and

Further amend said section, page 2, line 25, by inserting immediately after the word “Any” the following: “**county**”

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 770, Page 1, Section 50.565, Line 12, by inserting after the word “trustees.” the following:

“**Any person appointed to the board of trustees shall serve a term of three years and shall not serve more than two terms.**”

Senator Bray moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mayer, **SB 770**, as amended, was declared perfected and ordered printed.

Senator Goodman moved that **SB 1076** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Goodman, **SB 1076** was declared perfected and ordered printed.

Senator Vogel moved that **SB 913**, with **SCS**, be called from the Informal Calendar and taken up

for perfection, which motion prevailed.

SCS for **SB 913**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 913

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to amusement devices.

Was taken up.

Senator Vogel moved that **SCS** for **SB 913** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **SB 913** was declared perfected and ordered printed.

SB 1009 was placed on the Informal Calendar.

SB 655, with **SCS**, was placed on the Informal Calendar.

SB 1032, with **SCS**, was placed on the Informal Calendar.

Senator Gibbons moved that **SB 1140**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1140**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1140

An Act to repeal sections 21.810, 67.110, 137.055, 138.380, and 138.395, RSMo, and to enact in lieu thereof four new sections relating to real property taxes.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1140** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1140** was declared perfected and ordered printed.

SB 687, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 1251**, with **SCS**, was placed on the Informal Calendar.

Senator Gibbons moved that **SB 873** be taken up for perfection, which motion prevailed.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 873, Pages 2-3, Section 43.546, Lines 1-5, by striking all of said lines and inserting in lieu thereof the following:

“43.546. 1. Any state agency may require the fingerprinting of applicants in specified occupations designated by the agency for the purposes of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such an occupation.”.

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Gibbons, **SA 1** was withdrawn.

On motion of Senator Gibbons, **SB 873** was declared perfected and ordered printed.

Senator Klindt moved that **SB 1009** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Klindt offered **SS** for **SB 1009**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 1009

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to plant biotechnology.

Senator Klindt moved that **SS** for **SB 1009** be adopted.

Senator Goodman assumed the Chair.

At the request of Senator Klindt, **SB 1009**, with **SS** (pending), was placed on the Informal Calendar.

Senator Loudon moved that **SB 1072** be called

from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Loudon, **SB 1072** was declared perfected and ordered printed.

Senator Koster moved that **SB 820**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 820**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 820

An Act to repeal sections 33.700 and 33.710, RSMo, and to enact in lieu thereof two new sections relating to the governmental emergency fund.

Was taken up.

Senator Koster moved that **SCS** for **SB 820** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 820, Page 1, In the Title, Line 3, by striking “the governmental emergency fund” and inserting in lieu thereof the following: “governmental emergencies”; and

Further amend said bill, Page 2, Section 33.710, Line 12, by inserting after all of said line the following:

“44.045. 1. Subject to approval by the state emergency management agency during an emergency declared by the governor or general assembly, any health care professional licensed, registered, or certified in this state or any state who volunteers to be so deployed as provided herein may be deployed to provide care as necessitated by the emergency, including care necessitated by mutual aid agreements between political subdivisions and other public and private entities under section 44.090. During an

emergency declared by the governor or the general assembly, volunteer health care providers deployed by the governor or any state agency shall not be liable for any civil damages for any failure, in the delivery of healthcare necessitated by the emergency during deployment, to exercise the skill and learning of an ordinarily careful health care provider in similar circumstances, but shall be liable for damages due to willful or wanton acts or omissions in rendering such care.

2. In a declared state of emergency, the department of health and senior services and the division of professional registration within the department of economic development may release otherwise confidential contact and licensure, registration, or certification information relating to health care professionals to state, local, and private agencies to facilitate deployment.

[44.045. 1. Subject to approval by the state emergency management agency during an emergency declared by the governor or state legislature, any health care professional licensed, registered, or certified in this state who volunteers to be so deployed may be deployed to provide care as necessitated by the emergency.

2. In a declared state of emergency, the department of health and senior services or the division of professional registration within the department of economic development may release otherwise confidential contact and licensure, registration, or certification information relating to health care professionals to state, local, and private agencies to facilitate deployment.]; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Koster moved that **SCS** for **SB 820**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 820**, as amended, was declared perfected and ordered printed.

Senator Griesheimer assumed the Chair.

Senator Cauthorn moved that **SB 1032**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1032**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1032

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 1032** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 1032** was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Purgason moved that **SCR 31** be taken up for adoption, which motion prevailed.

On motion of Senator Purgason, **SCR 31** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 924; SCS for SBs 1185, 1163, 1174, 1200 and 1225; SCS for SB 913; SB 1076; SB 873; SB 770; SCS for SB 1140 and SCS for SB 1222**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SB 873**; and **SCS for SBs 1185, 1163, 1174, 1200 and 1225** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Stanley G. Bevelle to the Board of Cosmetology and Barber Examiners, submitted on April 5, 2006; Line 3 should be amended as follows:

“for a term ending May 1, 2010, and until his successor is duly appointed”

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Andrea D. Buening, 1615 Strait Avenue, Seneca, Newton County, Missouri 64865, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, Charles Smith, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Aaron S. Baker, E 210 Tower Suites, 900 College Park Drive, Maryville, Nodaway County, Missouri 64468, as the student representative of Northwest Missouri State University Board of Regents, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Stephen Terry, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa G. Britt, 11180 East Mexico Gravel Road, Columbia, Boone County, Missouri 65202, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 17, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey L. Cox, 309 Seminole Court, Raymore, Cass County, Missouri 64083, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, Theresa Hensley, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 15, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey N. Davis, Republican, 1010 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member and chair of the Public Service Commission, for a term ending April 15, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 12, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William A. Easley, Republican, Post Office Box 126, Cassville, Barry County, Missouri 65625, as a member of the Clean Water Commission, for a term ending April 12, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Theresa Jan Finn, 901 South West Loula Lane, Lee's Summit, Jackson County, Missouri 64081, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy E. Imhoff, 2392 Cedar Lake Drive, Maryland

Heights, Saint Louis County, Missouri 63043, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, John Blass, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lydia H. McEvoy, Republican, 1409 Northeast 102nd Terrace, Kansas City, Clay County, Missouri 64155, as a member of Central Missouri State University Board of Governors, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, Jennifer Hill-Nixon, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sharon E. Rohrbach, 9871 Arv-Ellen, Affton, Saint Louis County, Missouri 63132, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathy R. Thornburg, 3211 Rodeo Drive, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above addendum, appointments, and the addendums appearing on pages 775 and 776, to the Committee on Gubernatorial Appointments.

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on February 16, 2006 for your advice and consent:

James D. McKenzie, 341 North Washington, Nevada, Vernon County, Missouri 64772, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Natalie Anderson, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, per his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office submitted to you on March 15, 2006 for your advice and consent:

Iola C. Jasper, 519 Grand View Drive, Sunrise Beach, Camden County, Missouri 65079, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2006, and until her successor is duly appointed and qualified; vice, Lisa Guillory, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, per his request, which motion prevailed.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 2730, regarding the Ozark High School Girls Basketball Class 4A State Champions, which was adopted.

Senator Clemens offered Senate Resolution No. 2731, regarding Yancey Little, Missouri Basketball Association 2006 Coach of the Year, which was adopted.

Senator Engler offered Senate Resolution No. 2732, regarding the Lesterville Volunteer Fire Department, which was adopted.

Senator Coleman offered Senate Resolution No. 2733, regarding Chiffontae Ross, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2734, regarding the Gladstone Sun News, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2735, regarding Mr. and Mrs. Barry Schmidt, Kearney, which was adopted.

Senator Klindt offered Senate Resolution No.

2736, regarding Phyllis Bond, Maysville, which was adopted.

Senator Gibbons offered Senate Resolution No. 2737, regarding Patrick Lane Henneman, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

April 18, 2006

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Joint Committee on Economic Development Policy and Planning

Dear Mrs. Spieler:

Pursuant to Section 21.810.1 of the Revised Statutes of Missouri (RSMo 2002), please be advised I am **appointing** Senator Jack Goodman to the vacancy on said committee created by the death of Senator Larry Taylor.

If you have any questions regarding this matter, please contact my office.

Your truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Kathy Haycraft and forty Advanced Practice Nurses, Physicians and Administrators from around the state.

Senator Klindt introduced to the Senate, twelve fourth grade students from Southwest R-1 Elementary School, Ludlow.

Senator Griesheimer introduced to the Senate, Mrs. Jackson, Mrs. Ruoff, parents and twenty-three fourth grade students from Blevins Elementary School, Eureka.

Senator Goodman introduced to the Senate, sponsors and fifty-one fifth grade students from

Blue Eye Elementary School.

Senator Nodler introduced to the Senate, Nellrena Boman, Carol Lankford, Glenda Condict, Teresa Blevins, Shirley Gollhofer, Shawna Griffin, Barbara Whitehill, Jason Rincker, Carl Daugherty, Brad Tyndall and Kurt Stock, representatives of Leadership Neosho.

Senator Mayer introduced to the Senate, Bob

MacDonald and Paul Ridlen, Poplar Bluff.

On behalf of Senator Goodman, the President introduced to the Senate, Jack Elliott Goodman, Mt. Vernon; and Jack Elliott was made an honorary page.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 19, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1873

THIRD READING OF SENATE BILLS

- | | |
|---|--|
| 1. SCS for SB 1027-Mayer | 6. SCS for SB 924-Klindt |
| 2. SCS for SBs 1239 & 1091-Gibbons
(In Fiscal Oversight) | 7. SCS for SBs 1185, 1163, 1174, 1200 &
1225-Engler (In Fiscal Oversight) |
| 3. SS for SCS for SB 969-Stouffer
(In Fiscal Oversight) | 8. SCS for SB 913-Vogel |
| 4. SS for SCS for SB 832-Griesheimer
(In Fiscal Oversight) | 9. SB 1076-Goodman |
| 5. SS for SCS for SB 895-Engler
(In Fiscal Oversight) | 10. SB 873-Gibbons (In Fiscal Oversight) |
| | 11. SB 770-Mayer and Crowell |
| | 12. SCS for SB 1140-Gibbons |
| | 13. SCS for SB 1222-Goodman |

SENATE BILLS FOR PERFECTION

SB 759-Engler

HOUSE BILLS ON THIRD READING

- | | |
|--------------------------------------|---------------------------------------|
| 1. HB 1001-Icet, with SCS (Gross) | 8. HB 1008-Icet, with SCS (Gross) |
| 2. HCS for HB 1002, with SCS (Gross) | 9. HB 1009-Icet, with SCS (Gross) |
| 3. HCS for HB 1003, with SCS (Gross) | 10. HCS for HB 1010, with SCS (Gross) |
| 4. HCS for HB 1004, with SCS (Gross) | 11. HCS for HB 1011, with SCS (Gross) |
| 5. HCS for HB 1005, with SCS (Gross) | 12. HCS for HB 1012, with SCS (Gross) |
| 6. HCS for HB 1006, with SCS (Gross) | 13. HB 1013-Icet, with SCS (Gross) |
| 7. HCS for HB 1007, with SCS (Gross) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 566-Dougherty, et al, with SCS & SS
for SCS (pending) | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 617-Koster, with SCS | SB 862-Engler, with SCS |
| SB 635-Cauthorn | SB 1009-Klindt, with SS (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3
(pending) | SBs 1014 & 730-Scott and Gibbons, with
SCS, SS for SCS, SA 1 & SSA 3 for
SA 1 (pending) |
| SB 642-Scott | SBs 1031 & 846-Klindt, with SCS |
| SB 655-Nodler, with SCS | SB 1038-Mayer |
| SBs 665 & 757-Engler, with SCS & SA 1
(pending) | SB 1049-Shields, with SCS |
| SB 687-Scott and Bartle, with SCS | SB 1092-Klindt, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| SB 817-Scott, et al | SB 1188-Gibbons |
| SB 841-Ridgeway, et al, with SCS | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1679 (Kennedy)

HCS for HB 1559 (Callahan)

HB 1858-Lipke (Goodman)

HCS for HBs 1617 & 1374 (Stouffer)

HCS for HB 1053 (Wheeler)

HCS#2 for HB 1703 (Bartle)

HB 1857-Lipke (Goodman)

HCS for HB 1343 (Cauthorn)

HB 1320-Lipke, et al (Gibbons)

HB 1204-Roorda, et al (Alter)

HB 1427-Johnson (90), et al (Kennedy)

HB 1169-Cooper (120) (Scott)

HCS for HB 1432 (Vogel)

HCS for HB 1759 (Clemens)

HCS for HB 1739 (Bartle)

HB 1392-Behnen, with SCS (Scott)

HCS for HB 1339 (Goodman)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HB 1118-Dempsey, et al, with SCS
(Shields)HB 1601-Weter, et al, with SCS
(Dougherty)

HB 1687-Wright (137), et al, with SCA 1

HB 1222-Cooper (158) (Scott)

HB 1491-Walton, et al (Days)

HB 1437-Threlkeld, with SCS (Bartle)

HCS for HB 1515 (Koster)

HCS for HB 1787, with SCS (Mayer)

HCS for HB 978, with SCS (Goodman)

HCS for HB 1306, with SCS (Crowell)

HCS for HB 1344 (Coleman)

HCS for HB 1552

HCS for HB 1138 (Ridgeway)

HCS for HB 1256

HCS for HB 1762, with SCS

HCS for HBs 1382 & 1158, with SCS

HB 1488-Roorda, et al (Kennedy)

HB 1105-Wilson (119), et al

HCS for HB 1180 (Bray)

HB 1234-Loehner, et al (Clemens)

HB 1245-Sater, et al (Shields)

HB 1251-Guest, et al (Gross)

HCS for HB 1449, with SCS (Mayer)

HCS for HB 1511, with SCS (Shields)

HB 1732-Fraser, et al (Days)

HB 1494-Emery, et al (Scott)

HB 1393-Behnen, et al (Goodman)

HB 983-Meadows, et al (Alter)

HB 984-Meadows, et al (Alter)

HB 1228-Ruestman, et al (Ridgeway)

HB 1715-Pratt (Bartle)

HB 998-Smith (118) (Scott)

HCS for HB 1135 (Stouffer)

HCS for HB 1710

HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)

HB 1424-Franz (Purgason)

HCS for HB 1711

HB 1707-Dusenbergh, et al, with SCS
(Bartle)HB 1509-Bruns and Wildberger, with SCS
(Vogel)

HCS for HB 977, with SCS (Engler)

HCS for HB 1508, with SCS (Vogel)

Reported 4/13

HB 1088-Schaaf, et al

HCS for HB 1037

HCS for HB 1149, with SCS (Scott)

HCS for HB 1440, with SCS (Ridgeway)

HB 1144-May, et al

HB 1192-Smith (118), et al (Scott)

HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)

HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)

HB 1466-Daus

RESOLUTIONS

Reported from Committee

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 19, 2006

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"Be wiser than other people if you can, but do not tell them so." (Earl of Chesterfield, 1745)

Gracious God, there is much before us to accomplish and we know there are people who in their wisdom want us to know how wise is their advice and good their legislative efforts. But we, O God, seek Your help that we may be wiser yet and humbly provide the best bill, increasing its effectiveness for all Your people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senators Days and Bray offered Senate Resolution No. 2738, regarding the St. Louis Chinese Journal, which was adopted.

Senator Scott offered Senate Resolution No. 2739, regarding KDKD AM-FM, which was adopted.

Senator Crowell offered Senate Resolution No. 2740, regarding Andrew Williams, Cape Girardeau, which was adopted.

Senator Wilson offered the following resolution:

SENATE RESOLUTION NO. 2741

WHEREAS, the American Stroke Association has designated May 2006 as "American Stroke Month"; and

WHEREAS, the theme for American Stroke Month 2006 is

"Power to End Stroke" an aggressive education and awareness campaign to reach African Americans, who are at particularly high risk of stroke, with empowering information to help reduce their risk; and

WHEREAS, strokes are the third leading cause of death in the United States claiming about 700,000 people, and is a leading cause of severe, long term disability; and

WHEREAS, more than 100,000 African Americans have a new or recurrent stroke every year; and

WHEREAS, on average a stroke occurs every 45 seconds and someone dies of a stroke every three minutes in the United States; and

WHEREAS, in 2006, the estimated direct and indirect cost of stroke will be about \$57.9 billion; and

WHEREAS, the majority of Americans are not aware of their risk factors for a stroke, nor are they aware of the signs and symptoms of an impending stroke; and

WHEREAS, warning signs of stroke include: sudden numbness or weakness of the face, arm, or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and

WHEREAS, stroke leads to the death of more than 3,796 citizens of Missouri each year; and

WHEREAS, new and effective treatments have been developed to treat and minimize the severity and damaging effects of strokes, but much more research is needed:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, hereby designate the month of May, 2006, as Stroke Awareness Month in Missouri and urge all the citizens of our state to familiarize themselves with the warning signs, symptoms, and risk factors associated with stroke so that we might begin to reduce the devastating effects that a stroke makes on our population; and

BE IT FURTHER RESOLVED that the secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri.

Senator Champion offered Senate Resolution No. 2742, regarding the Plaid Door, Springfield, which was adopted.

Senator Barnitz offered Senate Resolution No. 2743, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Howard, Lecoma, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

WHEREAS, on February 1, 2005, the United Nations released the Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, which found that war crimes and crimes against humanity had been perpetrated in the Darfur region of Sudan; and

WHEREAS, the Report of the International Commission of Inquiry established that Sudanese government forces and the Janjaweed militia are responsible for systematic and widespread killing, torture, rape, pillaging, and forced displacement through Darfur and that these acts result in 10,000 deaths every month; and

WHEREAS, President Bush, former Secretary of State Powell, and the United States Congress have declared the attacks to be genocide, a crime against humanity; and

WHEREAS, 136 nations, including the United States, condemn and seek to prevent and punish the crimes of genocide as signatories to the Convention on the Prevention and Punishment of Crimes Against Humanity; and

WHEREAS, the continuing atrocities in Darfur cry out for an aggressive international response to provide protection for 2 million internally displaced Sudanese, to expand humanitarian relief efforts without delay, and to establish political negotiations to end these atrocities; and

WHEREAS, the mission of the St. Louis Save Darfur Coalition is to mobilize and educate a broad group of religious, human rights, campus, and civic organizations in the St. Louis region on the genocide in the Darfur region of the Sudan and to stimulate advocacy efforts on behalf of the people of Darfur:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby condemn the ongoing genocide in Darfur, Sudan and acknowledge the leadership of the President of the United States and the United States Congress in recognizing and taking initial steps to address the ongoing genocide in Darfur, Sudan, and also acknowledge the contribution of the African Union, including its critical peacekeeping mission in Darfur and its role in facilitating the Abuja peace talks; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, call upon the President of the United States and the United States Department of State to work within the United Nations Security Council to expand the mandate of and increase aid and logistical support to the African Union Mission in Sudan (AMIS) for the purpose of better

protecting civilians in Darfur and to increase the force size and mobility of AMIS; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, call upon the President of the United States and the United States Department of State to increase their engagement in the ongoing Darfur peace process in order to facilitate the creation of a viable political framework for a lasting peace in Darfur and to work within the United Nations Security Council, as well as with the African Union, to encourage an immediate transfer of primary peacekeeping duties from the current African Union Mission in Sudan to a larger United Nations peacekeeping force with adequate resources and a clear mandate to protect civilians; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, call upon the Missouri congressional delegation to support U.S. funding for peacekeeping and humanitarian aid in Sudan with the emergency FY 2006 supplemental appropriations bill at a minimum of the \$564 million figure arrived at through an initial request of \$514 million by the President and subsequent \$50 million in amendments passed by the U.S. House of Representatives and the U.S. Senate Appropriations Committee, and further to support adequate long-term FY 2007 funding for peacekeeping and humanitarian aid in Darfur; and

BE IT FURTHER RESOLVED that the secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and for each member of the Missouri congressional delegation.

HOUSE BILLS ON THIRD READING

HB 1001, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing, processing and defeasing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund,

Stormwater Control Fund, and the Access Missouri Debt Reduction Fund and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HB 1001**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1001

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing, processing and defeasing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HB 1001** be adopted, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

On motion of Senator Gross, **SCS** for **HB 1001** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

INTRODUCTIONS OF GUESTS

President Pro Tem Gibbons introduced to the Senate, U.S. Senator Christopher “Kit” Bond, who assumed the dais and addressed the members of the Senate.

President Kinder assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for HB 1002, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for HCS for HB 1002, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, the Office of Administration, and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1002** be adopted.

Senator Scott assumed the Chair.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, Page 1, Section 2.005, Line 6, by deleting “2,290,635” and inserting “2,266,524”; further amend said Section, Line 7, by deleting “1,635,583” and inserting “1,625,523”;

Further amend said Bill, Page 2, Section 2.015, Line 19, by deleting “42,674,983” and inserting “42,682,408”; further amend said Section, Line 20, by deleting “4,178,641” and inserting “4,144,650”;

Further amend said Bill, Page 4, Section 2.045, Line 6, by deleting “1,477,573” and inserting “1,463,584”; further amend said Section, Line 7, by deleting “7,359,000” and inserting “7,332,403”; further amend said Section, Line 12, by deleting “1,404,854” and inserting “1,392,358”; further amend said Section, Line 13, by deleting “2,890,750” and inserting “2,881,217”; further amend said Section, Line 18, by deleting “236,697” and inserting “234,442”; further amend said Section, Line 19, by deleting “2,288,275” and inserting “2,274,581”; further amend said Section,

Line 24, by deleting “1,104,523” and inserting “1,094,566”; and further amend said Section, line 26, by deleting “2,939,102” and inserting “2,936,612”;

Further amend said Bill, Page 8, Section 2.170, Line 3, by deleting “24,830,688” and inserting “24,694,080”; Further amend said Bill, Page 11, Section 2.275, Line 7, by deleting “50,200” and inserting “49,000”;

Further amend said Bill, Page 12, Section 2.280, Line 6, by deleting “802,107” and inserting “798,972”; further amend said Section, Line 7, by deleting “2,158,266” and inserting “2,156,630”; further amend said Section, Line 8, by deleting “546,592” and inserting “546,217”; and adjust section and bill totals accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Gross moved that **SCS** for **HCS** for **HB 1002** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senators—None

Vacancies—1

The President Pro Tem declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1679**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1320**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1432**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1392**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after

examination of **HCS** for **HB 1339**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1118**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 978**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1105**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1251**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1228**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1508**, with **SCS**,

respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1149**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1192**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 1032**; **SCS** for **SB 820**; **SS** for **SCS** for **SB 1236**; and **SB 1072**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 832**; **SCS** for **SBs 1239** and **1091**; **SS** for **SCS** for **SB 969**; **SB 873**; **SS** for **SCS** for **SB 895**; and **SCS** for **SBs 1185, 1163, 1174, 1200** and **1225**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 998**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1837**, entitled:

An Act to repeal sections 383.010, 383.035, 383.079, 383.105, 383.110, 383.115, 383.125, 383.160, and 383.165, RSMo, and to enact in lieu thereof twenty-two new sections relating to malpractice insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Ellen M. Nichols to the Missouri Head Injury Advisory Council, submitted on March 15, 2006. Line 1 should be amended as follows:

“M. Ellen Nichols, M.D., 2122 East 47th Street, Joplin, Newton

County,”

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 820** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

HOUSE BILLS ON THIRD READING

HCS for **HB 1003**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 1003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1003** be adopted.

Senator Wilson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1003, Page 9, Section 3.165, Line 4, by deleting the number "\$375,936,593" and inserting in lieu thereof the number "\$376,221,593" and further amend section and bill totals accordingly.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Crowell assumed the Chair.

Senator Gross moved that **SCS** for **HCS** for **HB 1003** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 1003** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HCS for **HB 1004**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 1004**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, Office of Administration, the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1004** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 1004** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HCS for **HB 1005**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 1005**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1005** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 1005** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill

was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HCS for HB 1006, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for HCS for HB 1006, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 1006** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 1006** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1007, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July

1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for HCS for HB 1007, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 1007** be adopted.

Senator Wilson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, Page 5, Section 7.075, Line 11, by inserting immediately thereafter

“For Missouri Supplemental tax increment financing as provided in Section 99.845, RSMo.

For the Citadel Plaza

From Missouri Supplemental Tax Increment Financing Trust Fund. 1E

Total \$3,932,001”

and amend bill and section totals accordingly.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Gross moved that **SCS for HCS for HB 1007** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 1007** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green Ridgeway—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HB 1008, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for HB 1008, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the Office of Administration, and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HB 1008** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1008** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HB 1009, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the

Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HB 1009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HB 1009** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1009** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which

the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HCS for HB 1010, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for HCS for HB 1010, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, the Office of Administration, and several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Griesheimer assumed the Chair.

Senator Gross moved that **SCS for HCS for HB 1010** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 1010** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HCS for HB 1011, with SCS, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for HCS for HB 1011, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 1011** be adopted.

Senator Crowell assumed the Chair.

Senator Wilson offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, Page 9, Section 11.160, Line 5, by deleting the number “\$4,300,000” and inserting in lieu thereof the following number “\$4,700,000”; and Further amend section and bill totals accordingly.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, Page 15, Section 11.285, Line 5, by deleting the number “\$70,822,830” and inserting in lieu thereof the following number “\$75,624,767”; and further amend section and bill totals accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Gross moved that **SCS** for **HCS** for **HB 1011** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 1011** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HCS for **HB 1012**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 1012**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant

Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the joint and interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1012** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1012, Page 14, Section 12.500, Line 2, by deleting the number “\$1,071,448”, and inserting in lieu thereof the number “\$1,070,448”; with such reduction coming from the salary of the Senator from the 23rd; and further amend said bill by inserting after said section the following,

“Section 12.501. To the Senate

For the purpose of funding a new glass table-top for the dais and a fluffy, pillow-covered gavel for such occasions when the Senator from the 23rd is presiding.

From General Revenue \$1,000.”

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, the above amendment was withdrawn.

Senator Gross moved that **SCS** for **HCS** for **HB 1012** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 1012** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HB 1013, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the

divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for HB 1013, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1013**

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS for HB 1013** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HB 1013** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 7:25 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 2744, regarding Motorcycle Awareness and You Month, which was adopted.

Senator Crowell offered Senate Resolution No. 2745, regarding Julie Wilson, which was adopted.

Senator Bray offered Senate Resolution No. 2746, regarding Eric A. Doss, Bridgeton, which was adopted.

Senator Bartle offered Senate Resolution No. 2747, regarding the Mothers Outraged At Molesters (M.O.M.s) organization, Independence, which was adopted.

Senator Champion offered Senate Resolution No. 2748, regarding Camp Barnabas, Purdy, which was adopted.

Senator Nodler offered Senate Resolution No. 2749, regarding the One Hundredth Birthday of Velma Rogers Smith, Joplin, which was adopted.

Senator Coleman offered Senate Resolution No. 2750, regarding the Tipton FFA Chapter,

which was adopted.

Senator Coleman offered Senate Resolution No. 2751, regarding Quinton Binder, which was adopted.

Senator Coleman offered Senate Resolution No. 2752, regarding the Eldon FFA Chapter, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2753, regarding Adair County foster parents, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2754, regarding the 175th Anniversary of the village of Florida, which was adopted.

COMMUNICATIONS

Senator Barnitz submitted the following:

April 18, 2006

Mrs. Terry Spieler

Secretary to the Senate

Missouri State Senate

Missouri State Capitol, Room 325

Jefferson City, MO 65101

Dear Mrs. Spieler:

I would like to request that HCS for HB 1306, with SCS be removed from the Consent Calendar.

Sincerely,

/s/ Frank A. Barnitz

Frank A. Barnitz

State Senator

District 16

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Reverend Bob and Debbie Curtis, Wildwood.

Senator Goodman introduced to the Senate, his wife, Laura and their son, Jack Elliott, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Nodler introduced to the Senate, Jera Linley and William White and Ellen Nichols, Joplin; and Jera Linley was made an honorary page.

Senator Shields introduced to the Senate, fourth and fifth grade students from St. Paul Lutheran School, St. Joseph.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gregory Branham, M.D., Frontenac.

Senator Engler introduced to the Senate, Darcy Spenser and Billie Baptiste, Ventura, California.

Senator Engler introduced to the Senate, Kathleen Lyday, Tracy McCart, Jennifer Fowler and sixty fourth grade students from Grandview Elementary School, Hillsboro.

On behalf of Senator Alter and himself, Senator Green introduced to the Senate, former State Senator Steven Stoll and Councilman William Earl Cook, Sr., Festus.

Senator Scott introduced to the Senate, Liz Blackburn and students from Northwest High School, Pettis County.

Senator Dougherty introduced to the Senate, his wife, Beverly and their granddaughter, Dana McFarlane, St. Louis; and Dana was made an honorary page.

Senator Engler introduced to the Senate, Chief Ben Meredith, Assistant Chief Jamie Bell, Tyler Wright, Josh McCarty, Ryan Wadlow, Gary Maize, Michael Durham, Jenger Bell, Janelle Meredith, Teresa Martin and Becky Botkin, members of the Lesterville Volunteer Fire Department.

On behalf of Senator Gibbons and himself, Senator Kennedy introduced to the Senate, eighty fourth grade students from Crestwood Elementary School, St. Louis.

On behalf of Senator Cauthorn and himself, Senator Griesheimer introduced to the Senate, Terry and Delores Threlkeld, Macon.

Senator Kennedy introduced to the Senate, Taylor Snead, St. Louis; and Taylor was made an honorary page.

Senator Goodman introduced to the Senate,

students, Coach James Holbick and members of Riverview Bible Baptist Christian School Boys Basketball Team, National Association of Christian Athletes Basketball Champions, Forsyth.

Senator Bray introduced to the Senate, Robin Kinman and twenty-one fourth grade students from

Forsythe Elementary School.

Senator Griesheimer introduced to the Senate, Circuit Judge Keith Sutherland, Warrenton.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SEVENTH DAY—THURSDAY, APRIL 20, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1873

HCS for HB 1837

THIRD READING OF SENATE BILLS

- | | |
|---|-----------------------------------|
| 1. SCS for SB 1027-Mayer | 10. SB 873-Gibbons |
| 2. SCS for SBs 1239 & 1091-Gibbons | 11. SB 770-Mayer and Crowell |
| 3. SS for SCS for SB 969-Stouffer | 12. SCS for SB 1140-Gibbons |
| 4. SS for SCS for SB 832-Griesheimer | 13. SCS for SB 1222-Goodman |
| 5. SS for SCS for SB 895-Engler | 14. SCS for SB 1032-Cauthorn |
| 6. SCS for SB 924-Klindt | 15. SCS for SB 820-Koster |
| 7. SCS for SBs 1185, 1163, 1174, 1200 & 1225-Engler | (In Fiscal Oversight) |
| 8. SCS for SB 913-Vogel | 16. SS for SCS for SB 1236-Engler |
| 9. SB 1076-Goodman | 17. SB 1072-Loudon |

SENATE BILLS FOR PERFECTION

SB 759-Engler
SB 998-Champion, with SCS

SB 1250-Alter, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS for SCS (pending)	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 617-Koster, with SCS	SB 862-Engler, with SCS
SB 635-Cauthorn	SB 1009-Klindt, with SS (pending)
SB 637-Cauthorn, et al, with SCS & SA 3 (pending)	SBs 1014 & 730-Scott and Gibbons, with SCS, SS for SCS, SA 1 & SSA 3 for SA 1 (pending)
SB 642-Scott	SBs 1031 & 846-Klindt, with SCS
SB 655-Nodler, with SCS	SB 1038-Mayer
SBs 665 & 757-Engler, with SCS & SA 1 (pending)	SB 1049-Shields, with SCS
SB 687-Scott and Bartle, with SCS	SB 1092-Klindt, with SCS
SB 736-Crowell and Cauthorn, with SCS	SB 1104-Cauthorn and Klindt, with SCS
SB 816-Griesheimer and Coleman, with SCS & SS#2 for SCS (pending)	SB 1114-Goodman & Loudon, with SCS
SB 817-Scott, et al	SB 1188-Gibbons
SB 841-Ridgeway, et al, with SCS	SB 1217-Goodman
	SB 1251-Shields, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)
HB 1858-Lipke (Goodman)
HCS for HBs 1617 & 1374 (Stouffer)
HCS for HB 1053 (Wheeler)

HCS#2 for HB 1703 (Bartle)
HB 1857-Lipke (Goodman)
HCS for HB 1343 (Cauthorn)
HB 1204-Roorda, et al (Alter)

HB 1427-Johnson (90), et al (Kennedy)
 HB 1169-Cooper (120) (Scott)
 HCS for HB 1759 (Clemens)
 HCS for HB 1739 (Bartle)
 HCS for HB 1244 (Engler)
 HCS for HB 1551 (Engler)
 HB 1601-Weter, et al, with SCS (Dougherty)
 HB 1687-Wright (137), et al, with SCA 1
 (Champion)
 HB 1222-Cooper (158) (Scott)
 HB 1491-Walton, et al (Days)
 HB 1437-Threlkeld, with SCS (Bartle)
 HCS for HB 1515 (Koster)
 HCS for HB 1787, with SCS (Mayer)
 HCS for HB 1344 (Coleman)
 HCS for HB 1552
 HCS for HB 1138 (Ridgeway)
 HCS for HB 1256 (Days)
 HCS for HB 1762, with SCS
 HCS for HBs 1382 & 1158, with SCS
 HB 1488-Roord, et al (Kennedy)
 HCS for HB 1180 (Bray)

HB 1234-Loehner, et al (Clemens)
 HB 1245-Sater, et al (Shields)
 HCS for HB 1449, with SCS (Mayer)
 HCS for HB 1511, with SCS (Shields)
 HB 1732-Fraser, et al (Days)
 HB 1494-Emery, et al (Scott)
 HB 1393-Behnen, et al (Goodman)
 HB 983-Meadows, et al (Alter)
 HB 984-Meadows, et al (Alter)
 HB 1715-Pratt (Bartle)
 HB 998-Smith (118) (Scott)
 HCS for HB 1135 (Stouffer)
 HCS for HB 1710 (Gibbons)
 HCS for HB 1333 (Mayer)
 HCS for HB 1366 (Engler)
 HB 1424-Franz (Purgason)
 HCS for HB 1711 (Gibbons)
 HB 1707-Dusenberger, et al, with SCS
 (Bartle)
 HB 1509-Bruns and Wildberger, with SCS
 (Vogel)
 HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
 HCS for HB 1037 (Klindt)
 HCS for HB 1440, with SCS (Ridgeway)
 HB 1144-May, et al (Clemens)
 HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
 HB 1833-Wood, et al (Goodman)
 HB 1988-Wagner, et al (Barnitz)
 HB 1466-Daus

RESOLUTIONS

Reported from Committee

SR 2363-Gross

To be Referred

SR 2741-Wilson

SCR 35-Bray

MISCELLANEOUS

REMONSTRANCE 1-Gross



Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 20, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is honorable for us, to have produced the first legislature who had the courage to declare, that the reason of man may be trusted with the formation of his own opinion.” (Thomas Jefferson)

We praise and give You thanks, O Lord, for Your Word which serves as our road map to direct us upon life’s highways and byways and wisdom to declare what must be said. We thank You for the freedom we enjoy that is enhanced by Your guiding hand in the way we deal with others, especially those who work so tirelessly for us. And we thank You for time to spend with our families and the love we experience and express there. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 2755, regarding George L. Jarboe, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 2756, regarding Shirley Kasting, Sikeston, which was adopted.

Senator Mayer offered Senate Resolution No. 2757, regarding Larry Mohler, Paragould, Arkansas, which was adopted.

Senator Alter offered Senate Resolution No. 2758, regarding Barbara Lock, which was adopted.

Senator Alter offered Senate Resolution No. 2759, regarding Ron Speidel, which was adopted.

Senator Alter offered Senate Resolution No. 2760, regarding John Cleveland, which was adopted.

Senator Alter offered Senate Resolution No. 2761, regarding Janet Schoessel, which was adopted.

Senator Alter offered Senate Resolution No. 2762, regarding Stephen Drinen, which was adopted.

Senator Alter offered Senate Resolution No. 2763, regarding Marsha Brown, which was adopted.

Senator Alter offered Senate Resolution No. 2764, regarding William Gibson, Barnhart, which was adopted.

Senator Alter offered Senate Resolution No. 2765, regarding Arte Tuano, Imperial, which was adopted.

Senator Klindt offered Senate Resolution No. 2766, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Clodfelter, Trenton, which was adopted.

Senator Vogel offered Senate Resolution No. 2767, regarding Allee Middlecamp, Eugene, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the

following:

Deborah D. W. Curtis, as a member of the Child Abuse and Neglect Review Board;

Also,

Cynthia W. Bald, Annie R. Dixon, Jasper Kee, Stanley G. Bevelle, Kim K. Marshall, and Thelma G. Kinion, as members of the Board of Cosmetology and Barber Examiners;

Also,

Donald W. Koen, as a member of the Advisory Committee on Lead Poisoning;

Also,

Marvin O. Teer, Democrat, as a member of Lincoln University Board of Curators;

Also,

Edward L. Bryant, as a member of the Missouri Training and Employment Council;

Also,

M. Ellen Nichols, M.D., as a member of the Missouri Head Injury Advisory Council;

Also,

Theresa J. Parker, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Elizabeth "Penny" Bennett, as a member of the Board of Geologist Registration;

Also,

Thomas J. Corso, as a member of the Elevator Safety Board;

Also,

Norella V. Huggins, Democrat, as a member of the Hazardous Waste Management Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was

granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1456**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1339**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1187**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HBs 1270** and **1027**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do

pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 1623**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 1027**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1027

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof two new sections relating to carriers of household goods.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 1027** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz Ridgeway—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SBs 1239 and 1091, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1239 and 1091**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to affordable prescription drugs for all Missourians.

Was taken up by Senator Gibbons.

On motion of Senator Gibbons, **SCS for SBs 1239 and 1091** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Ridgeway	Scott—3
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Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 969, introduced by Senator

Stouffer, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969**

An Act to repeal sections 226.030, 301.010, 301.055, 301.057, 301.058, 301.070, 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420, 301.440, 301.560, 301.716, 302.545, 302.700, 302.755, 302.775, 304.070, 304.155, 304.170, 304.180, 304.230, 304.281, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 430.082, and 556.021, RSMo, and to enact in lieu thereof forty-seven new sections relating to the regulation of motor vehicles, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Stouffer, **SS for SCS for SB 969** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators

Green	Ridgeway—2
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 832, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 832

An Act to repeal sections 99.805, 99.810, 99.820, 99.825, 99.845, 99.847, and 99.865, RSMo, and to enact in lieu thereof ten new sections relating to tax increment financing, with penalty provisions.

Was taken up.

Senator Koster assumed the Chair.

On motion of Senator Griesheimer, **SS for SCS for SB 832** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Barnitz	Graham	Gross—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 895, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 895

An Act to repeal sections 354.150, 354.180, 354.210, 354.350, 354.444, 354.495, 354.722, 374.046, 374.150, 374.160, 374.210, 374.215, 374.230, 374.261, 374.263, 374.265, 374.267, 374.280, 374.512, 374.755, 374.787, 374.789, 375.001, 375.007, 375.012, 375.020, 375.152, 375.236, 375.306, 375.310, 375.445, 375.720, 375.777, 375.780, 375.786, 375.787, 375.881, 375.940, 375.942, 375.946, 375.994, 375.1010, 375.1012, 375.1014, 375.1016, 375.1135, 375.1156, 375.1160, 375.1204, 375.1306, 375.1309, 376.309, 376.889, 376.1094, 379.361, 379.510, 379.790, 380.391, 380.571, 384.071, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof eighty-seven new sections relating to various enforcement powers of the department of insurance, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Engler, **SS for SCS for SB 895** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Gross—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 924, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 924**

An Act to amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act, with an effective date.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS for SB 924** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SBs 1185, 1163, 1174, 1200 and 1225, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1185, 1163, 1174, 1200
and 1225**

An Act to repeal sections 42.014, 42.015, 44.020, 44.024, 44.237, 135.550, 192.510, 287.717, 306.114, 306.117, 384.025, 384.051, 384.062, 577.020, 577.026, 577.037, 577.208, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof thirty new sections relating to the transfer of duties between certain state agencies, with penalty provisions and an emergency clause for certain sections.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS for SBs 1185, 1163, 1174, 1200 and 1225** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 913**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 913

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to amusement devices.

Was taken up by Senator Vogel.

On motion of Senator Vogel, **SCS** for **SB 913**

was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Kennedy
Klindt	Koster	Mayer	Nodler
Shields	Stouffer	Vogel	Wilson—20

NAYS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Dougherty	Gross
Loudon	Purgason	Ridgeway	Scott

Wheeler—13

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from KMIZ-TV had been given permission to take pictures in the Chamber today.

SB 1076, introduced by Senator Goodman, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

Was taken up.

On motion of Senator Goodman, **SB 1076** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
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Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

NAYS—Senators—None

Absent—Senators

Bray Kennedy—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 873, introduced by Senator Gibbons, entitled:

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

Was taken up.

On motion of Senator Gibbons, **SB 873** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 770, introduced by Senators Mayer and Crowell, entitled:

An Act to repeal section 50.565, RSMo, and to enact in lieu thereof one new section relating to the county law enforcement restitution fund, with penalty provisions.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SB 770** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 1140, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1140**

An Act to repeal sections 21.810, 67.110, 137.055, 138.380, and 138.395, RSMo, and to enact in lieu thereof four new sections relating to real property taxes.

Was taken up by Senator Gibbons.

On motion of Senator Gibbons, **SCS for SB 1140** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Green—1

Absent—Senators

Crowell Engler—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 1222, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1222**

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund, with an expiration date.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS for SB 1222** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 1032, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1032

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SB 1032** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Coleman
Crowell	Days	Dougherty	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Engler—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 1236**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1236

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440,

236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SB 1236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—28

NAYS—Senators

Barnitz	Bartle	Purgason	Ridgeway—4
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Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 1072, introduced by Senator Loudon, entitled:

An Act to repeal sections 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.541, RSMo, relating to abandoned manufactured homes.

Was taken up.

On motion of Senator Loudon, **SB 1072** was

read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 978**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was

referred **HCS** for **HB 1306**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1742**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koster assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1873**—Pensions, Veterans' Affairs and General Laws.

HCS for **HB 1837**—Small Business, Insurance and Industrial Relations.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Barbara K. Tiedt to the State Lottery Commission, submitted on March 8, 2006. Line 1 should be amended as follows:

"Barbara K. Tiedt, Republican, 3735 East Eaglescliffe Drive, Springfield, Greene"

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ann R. Bannes, Democrat, 5774 Kingsbury, Saint Louis City, Missouri 64012, as a member of the State Board of Senior Services, for a term ending August 30, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Harriet A. Beard, 316 South Franklin, Kirksville, Adair County, Missouri 63501, as a member of the Well Installation Board, for a term ending February 24, 2010, and until her successor is duly appointed and qualified; vice, Sharlene Morgan, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tammy L. Brown, Republican, 2301 Southwest Tenth Street, Lee's Summit, Jackson County, Missouri 64081, as a member and chair of the Jackson County Board of Election Commissioners, for a term ending April 4, 2010, and until her successor is duly

appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeanne M. Daffron, 616 North 25th Street, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Life Sciences Research Board, for a term ending April 8, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Guy C. Gilbert, 2301 Wendemere Court, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Geologist Registration, for a term ending April 11, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Mary Lou Hart, 28 R Street, Lake Lotawana, Jackson County, Missouri 64086, as a member of Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2008, and until her successor is duly appointed and qualified; vice, Michael Seever, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jack Lary, Republican, 4750 Michigan Avenue, Saint Louis City, Missouri 63111, as a member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Angeletta McCormick Franks, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John J. McNeerney, 505 North West 43rd Street, Kansas City, Clay County, Missouri 64116, as a member of the Elevator Safety Board, for a term ending on June 6, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eileen M. McCann, Democrat, 1143 South Kingshighway, Saint Louis City, Missouri 63110, as Secretary and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Donayle Whitmore-Smith, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Person, 706 Belton Avenue, Belton, Cass County, Missouri 64012, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David A. Poggemeier, M.D., Republican, 4 Huntington Forest, Saint Charles, Saint Charles County, Missouri 63301, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2006, and until his successor is duly appointed and qualified; vice, John Lucio, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark C. Thompson, 600 West 56th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2010, and until his successor is duly appointed and qualified; vice, Angela Wasson-Hunt, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Barbara L. Wolken, Democrat, 2611 Jennifer Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Community Service Commission, for a term ending December 15, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above

addendum and appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1014** and **SB 730**, with **SCS, SS** for **SCS, SA 1** and **SSA 3** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 3 for **SA 1** was again taken up.

At the request of Senator Griesheimer, **SA 1** was withdrawn, rendering **SSA 3** for **SA 1** moot.

SS for **SCS** for **SBs 1014** and **730** was again taken up.

At the request of Senator Scott, **SS** for **SCS** for **SBs 1014** and **730** was withdrawn.

Senator Scott offered **SS No. 2** for **SCS** for **SBs 1014** and **730**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 and 730**

An Act to repeal sections 115.105, 115.126, 115.159, 115.163, 115.223, 115.427, 115.430, 115.431, 115.631, and 115.637, RSMo, and to enact in lieu thereof sixteen new sections relating to election administration, with penalty provisions and an emergency clause for a certain section.

Senator Scott moved that **SS No. 2** for **SCS** for **SBs 1014** and **730** be adopted.

Senator Kennedy offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 45, Section 115.637, Line 18, by inserting a “;” after “day” on said line; and by deleting “inside the building” on Line 18; and by deleting all of lines 19-24 on Page 45.

Senator Kennedy moved that the above

amendment be adopted.

Senator Griesheimer assumed the Chair.

At the request of Senator Kennedy, **SA 1** was withdrawn.

At the request of Senator Scott, **SB 1014** and **SB 730**, with **SCS** and **SS No. 2** for **SCS**, were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

Whereas, today 40 million credit cardholders are exposed to the risk of fraud by data thieves; and

Whereas, in 2005, a credit card processing company, CardSystems Solutions, improperly retained masses of data in vulnerable files and data thieves moved in, resulting in approximately 200,000 credit card accounts being reported stolen; and

Whereas, other incidents in 2005 included CitiFinancial disclosing that unencrypted computer tapes for 3.9 million customers were lost by a package deliverer and ChoicePoint, the nation's largest broker of personal information were the target of thieves who were easily able to buy the data of 145,000 consumers; and

Whereas, in the hands of thieves, consumer data becomes liquid assets and must be guarded as such by companies; and

Whereas, with California's passage of a law requiring notice to affected consumers, the entire nation became aware that consumers' assets and identities are increasingly at risk of fraud because of the remarkable success of data thieves

Whereas, several pieces of legislation have been introduced in the United States Congress, including a bill proposing a national requirement for consumer notification with civil penalties for negligent companies, and a comprehensive bill to begin regulating data merchants by requiring registration with the Federal Trade Commission and to impose stronger safeguards, stop the easy access to Social Security numbers, and help identity theft victims regain their fiscal balance:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second

Regular Session, the Senate concurring therein, hereby urge the United States Congress to adopt a comprehensive federal law that protects consumer information from data thieves; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 37**.

HOUSE CONCURRENT RESOLUTION NO. 37

Whereas, Chamois, Missouri, is a community located along the Missouri River in northern Osage County which has no means to cross the river except by way of bridges located approximately 45 miles to the west and 30 miles to the east; and

Whereas, the people who live in Chamois incur increasingly high costs using present routes in order to reach destinations on the north side of the Missouri River for employment, recreation, and business; and

Whereas, people who live on the north side of the Missouri River are equally restricted from accessing destinations on the south side of the Missouri River, respectively; and

Whereas, locating a ferryboat on the Missouri River at Chamois would allow residents on both sides to cross the River, reducing travel times and travel costs, provide a safer route, and conserve fuel; and

Whereas, locating a ferryboat at Chamois would establish the only reported ferry on the Missouri River and would thereby promote tourism on both sides of the River by attracting more visitors to the area and creating a driving destination for tourists visiting such communities as Hermann, Fulton, and Jefferson City; and

Whereas, locating a ferryboat at Chamois would likewise give residents on the south side of the River access to the Katy Trail located on the north side of the River; and

Whereas, numerous organizations have endorsed the ferryboat at Chamois, including but not limited to the Hermann Area Chamber of Commerce, the Fulton Area Chamber of Commerce, the county commissions for Osage and Callaway counties, the City of Mokane, the City of Chamois, and the Missouri Division of Tourism; and

Whereas, the promoters of the ferryboat at Chamois have requested federal and state funding for the project:

Now, therefore, be it resolved that the members of the House

of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby express support for the Chamois ferryboat and urge the Missouri Department of Economic Development and the Missouri Department of Transportation, along with other state agencies, to assist in securing moneys for locating of the ferryboat; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, Gregory A. Steinhoff, the Director of the Department of Economic Development, and Peter Rahn, the Director of the Missouri Department of Transportation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 18**.

HOUSE CONCURRENT RESOLUTION NO. 18

Whereas, the Commercial Motor Vehicle Safety Act of 1986 was signed into law with the goal to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways; and

Whereas, the federal Act retained a State's right to issue a driver's license, but established minimum national standards which States must meet when licensing commercial motor vehicle drivers; and

Whereas, the federal Act corrected the situation that existed prior to 1986 by making it illegal to hold more than one license and by requiring States to adopt testing and licensing standards for truck and bus drivers to check a person's ability to operate the type of vehicle the driver plans to operate; and

Whereas, since April 1, 1992, drivers have been required to have a commercial driver's license (CDL) in order to drive a commercial motor vehicle. The Federal Highway Administration (FHWA) issued standards for testing and licensing of commercial motor vehicle drivers which require States to issue CDLs to their commercial motor vehicle drivers only after the driver passes knowledge and skills tests administered by the State related to the type of vehicle to be operated; and

Whereas, drivers need CDLs if they are in interstate, intrastate, or foreign commerce and drive a vehicle that meets the federal definition of a commercial motor vehicle; and

Whereas, States develop their own tests which must be at least as stringent as the federal standards; and

Whereas, this restriction does not prohibit States from

allowing a person 18 years of age to qualify for a CDL, because it is limited to intrastate operation only. Such a restriction prohibits a person between the ages of 18 and 21 with a CDL from the interstate operation of a commercial motor vehicle; and

Whereas, the establishment of a controlled pilot program by the Federal Motor Carrier Safety Administration (FMCSA) lowering the federal minimum age for commercial motor vehicle drivers in interstate commerce from 21 to 18, which would include behind the wheel training, mentoring, and an evaluation component, would be the first step in advancing the program while still promoting highway safety; and

Whereas, a FMCSA controlled pilot program for 18 to 21 year-olds has the potential of relieving a severe commercial motor vehicle driver shortage in the States and Nation, and creating excellent career opportunities:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the Federal Motor Carrier Safety Administration to establish a controlled pilot program to evaluate the potential of lowering the age requirements for interstate commercial motor carrier drivers from 21 to 18 years of age; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Administrator of the Federal Motor Carrier Safety Administration, Annette M. Sandberg, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1001** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1002** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1003** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1004** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1005** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1006** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1007** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1008** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1009** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1010** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1011** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1012** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1013** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1092**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction for qualified hybrid motor vehicle purchases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1441**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto fourteen new sections relating to the large carnivore act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1900**, entitled:

An Act to repeal sections 105.473, 105.963, 130.011, 130.016, 130.046, and 130.056, RSMo, and to enact in lieu thereof six new sections relating to campaign finance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Gross requested unanimous consent of the Senate to be allowed to make one motion to send **SCS for HB 1001; SCS for HCS for HB 1002; SCS for HCS for HB 1003; SCS for HCS for HB 1004; SCS for HCS for HB 1005; SCS for HCS for HB 1006; SCS for HCS for HB 1007; SCS for HB 1008; SCS for HB 1009; SCS for**

HCS for HB 1010; SCS for HCS for HB 1011; SCS for HCS for HB 1012; and SCS for HB 1013 to conference in one motion, which request was granted.

Senator Gross moved that the Senate refuse to recede from its position on **SCS for HB 1001; SCS for HCS for HB 1002; SCS for HCS for HB 1003; SCS for HCS for HB 1004; SCS for HCS for HB 1005; SCS for HCS for HB 1006; SCS for HCS for HB 1007; SCS for HB 1008; SCS for HB 1009; SCS for HCS for HB 1010; SCS for HCS for HB 1011; SCS for HCS for HB 1012; and SCS for HB 1013** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS for HB 1001**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 1002**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 1003**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 1004**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 1005**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1006**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1007**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1008**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1009**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1010**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1011**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1012**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1013**: Senators Gross, Nodler, Mayer, Dougherty and Bray.

REFERRALS

President Pro Tem Gibbons referred **SR 2741** and **SCR 35** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **HCS** for **HB 1456**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1014** and **SB 730**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SCS** for **SBs 1014** and **730** was again taken up.

President Kinder assumed the Chair.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 18, Section 115.427, Line 9, by inserting after all of said line the following:

“8. Locations where voters may acquire a free nondriver’s license shall include any public high school and any county clerk’s office in this state. The above locations shall be provided the proper equipment to produce said licenses by the department of revenue and the department shall bear any costs associated with the delivery and receipt of the equipment.”; and

Further renumber the remaining subsections accordingly.

Senator Graham moved that the above amendment be adopted, which motion failed.

Senator Shields assumed the Chair.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate

Committee Substitute for Senate Bills Nos. 1014 and 730, Page 33, Section 115.431, Line 10, by inserting after all of said line the following:

“115.445. 1. Except as provided in subsections 2 and [3] **4** of this section, no one other than the voter shall be permitted in any voting booth or permitted to be in any position where he may see how a voter is voting.

2. If any voter, after entering a voting booth, asks for further instructions concerning the manner of voting, two election judges of different political parties shall give such instructions. Such judges shall not enter the voting booth unless it is impossible to give the instructions otherwise. After giving the instructions, the judges shall leave the area and take all necessary measures to insure that the voter casts his vote in secret.

3. If any voter declares under oath to the election judges that he cannot read or write, is blind or has any other physical disability and cannot vote his ballot, he may be assisted by the election judges or by any person of his own choice other than a judge. If the voter asks for the assistance of election judges, two judges of different political parties shall go to the voting booth and cast his vote as he directs. If the voter asks for the assistance of someone other than election judges, the assistant shall go to the voting booth with the voter and cast his vote as he directs. No person, other than election judges and members of such voters' immediate families, shall assist more than one voter at one election.

4. Children under the age of eighteen shall be allowed to accompany his or her parent, grandparent, or guardian into a voting booth.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 20, Section 115.427, Lines 8-28, by striking all of said lines from the bill and inserting in lieu thereof the following:

“14. For any election held on or before November 1, 2008, an individual who appears at a polling place without identification in the form described in subsection 1 of this section, and who is otherwise qualified to vote at that polling place, may cast a ballot after presenting a form of identification from the following list:

(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

(2) Identification issued by the United States government or agency thereof;

(3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

(4) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the voter;

(5) A driver's license or state identification card issued by another state; or

(6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 11 of this section or other identification approved by federal law.”; and further amend said bill and section, page 21 lines 1 to 23 by striking all of said lines from the bill.

Senator Green moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Bartle assumed the Chair.

President Kinder assumed the Chair.

Senator Kennedy requested a roll call vote be taken on the adoption of **SA 4**. He was joined in his request by Senators Barnitz, Days, Graham and Green.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Barnitz offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 17, Section 115.427, Lines 21 and 22, by deleting the following “residing in a facility licensed under chapter 198, RSMo”.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 46, Section 115.637, Line 5, by inserting immediately after said line, the following:

“Section 1. 1. There is hereby created the Joint Committee on Voter Protection. The committee shall be comprised of sixteen

members as follows:

(1) Two members of the senate to be appointed by the president pro tem of the senate;

(2) Two members of the senate to be appointed by the minority leader of the senate;

(3) Two members of the house of representatives to be appointed by the speaker of the house of representatives;

(4) Two members of the house of representatives to be appointed by the minority leader of the house of representatives;

(5) The attorney general, or his or her designee;

(6) The secretary of state, or his or her designee;

(7) The director of the department of revenue, or his or her designee;

(8) One member to be appointed by the county clerks association, or any successor organization;

(9) One member to be appointed by the american association of retired persons;

(10) One member appointed by the governor’s council on disability; and

(11) Two members who are representative of racial minority communities. One such member shall be jointly appointed by the speaker and minority leader of the house of representatives. One such member shall be jointly appointed by the president pro tem and minority leader of the senate.

The committee shall be comprised of an equal number of women and men to the degree possible.

2. The committee shall have the following duties:

(1) Investigate the proprieties and improprieties of Missouri’s current voter registration procedures;

(2) Investigate the availability of unimpeded and fair participation in the electoral process for all voters; and

(3) Investigate state compliance with the federal Help America Vote Act.

3. The committee shall meet no less than once in each congressional district and shall make recommendations in a report to be presented to the governor and the general assembly no later than November 30, 2006.

4. The provisions of this section shall expire on December 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Graham, **SA 6** was withdrawn.

At the request of Senator Scott, **SB 1014** and **SB 730**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1864**, entitled:

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof six new sections relating to prohibiting the admission of aliens unlawfully present in the United States at public institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1322**, entitled:

An Act to repeal sections 488.5050, 650.050, 650.055, 650.056, 650.057, and 650.100, RSMo, and to enact in lieu thereof seven new sections relating to DNA profiling analysis, with penalty provisions and an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1581**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for donations to food pantries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1728**, entitled:

An Act to amend chapter 386, RSMo by adding thereto one new section relating to the public counsel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1884**, entitled:

An Act to repeal sections 339.509, 339.519,

and 339.525, RSMo, and to enact in lieu thereof three new sections relating to real estate appraisers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1021**, entitled:

An Act to appropriate money to the Office of Administration, Department of Transportation, and Department of Natural Resources, for planning, design, redevelopment, renovation, capital improvements, building purchases including parking and moving expenses, new construction, and other related expenses, to be expended only for the following projects and sites: playgrounds at Mississippi Valley State School and Parkview State School, vocational technical schools in Mexico, St. Charles, Maryville, St. Joseph and Cape Girardeau, infrastructure development at Missouri ports, public health lab in Jefferson City, Missouri State Penitentiary in Jefferson City, building or buildings in St. Louis that are needed to replace office space of existing workers, law enforcement center at Lake Ozark State Park, cemetery at Fort Leonard Wood, new Troop C Headquarters, fuel remediation areas at Fulton State Hospital, Missouri Sexual Offender Treatment Center in Farmington, a new prison at Chillicothe, and appraisals and surveys at state facilities, from the funds designated for the fiscal period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1001**. Representatives: Icet, Bearden, Robb, Donnelly and Shoemyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1002**. Representatives: Icet, Bearden, Robb, LeVota and Aull.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1003**. Representatives: Icet, Bearden, Robb, Brown (50) and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1004**. Representatives: Icet, Bearden, Robb, Wright-Jones and Donnelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1005**. Representatives: Icet, Bearden, Robb, LeVota and Salva.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1006**. Representatives: Icet, Bearden, Robb, Harris (110) and Whorton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1007**. Representatives: Icet, Bearden, Robb, Boykins and Storch.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1008**. Representatives: Icet, Bearden, Robb, Wildberger and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1009**. Representatives: Icet, Bearden, Robb, Wildberger and Boykins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1010**. Representatives: Icet, Bearden, Robb, El-Amin and Donnelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1011**. Representatives: Icet, Bearden, Robb, El-Amin and Donnelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1012**. Representatives: Icet, Bearden, Robb, LeVota and Whorton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1013**. Representatives: Icet, Bearden, Robb, Storch and Donnelly.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brad G. Mitchell, Democrat, 1561 Camp Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri Ethics Commission, for a term ending March 15, 2010, and until his successor is duly appointed and qualified; vice, Pier Patterson, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John P. King, Republican, 7803 Cardinal Ridge Court, Shrewsbury, Saint Louis County, Missouri 63119, as a member of the Missouri Ethics Commission, for a term ending March 15, 2010, and until his successor is duly appointed and qualified; vice, Mariann Tow, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 20, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robbie L. Brouk, 1073 Cedar Gulch, Robertsville, Franklin County, Missouri 63072, as a member of Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2009, and until her successor is duly appointed and qualified; vice, Yolanda Lorge, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1014** and **SB 730**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SCS** for **SBs 1014** and **730** was again taken up.

Senator Graham offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 46, Section 115.637, Line 5, by inserting after all of said line the following:

“Section 1. 1. There is hereby created the Joint Committee on Voter Protection. The committee shall be comprised of sixteen members as follows:

(1) Two members of the senate to be appointed by the president pro tem of the

senate;

(2) Two members of the senate to be appointed by the minority leader of the senate;

(3) Two members of the house of representatives to be appointed by the speaker of the house of representatives;

(4) Two members of the house of representatives to be appointed by the minority leader of the house of representatives;

(5) The attorney general, or his or her designee;

(6) The secretary of state, or his or her designee;

(7) The director of the department of revenue, or his or her designee;

(8) One member to be appointed by the county clerks association, or any successor organization;

(9) One member to be appointed by the american association of retired persons;

(10) One member appointed by the governor’s council on disability; and

(11) Two members who are representative of racial minority communities. One such member shall be jointly appointed by the speaker and minority leader of the house of representatives. One such member shall be jointly appointed by the president pro tem and minority leader of the senate.

The committee shall be comprised of an equal number of women and men to the degree possible.

2. The committee shall have the following duties:

(1) Investigate the proprieties and improprieties of Missouri’s current voter registration procedures;

(2) Investigate the availability of unimpeded and fair participation in the

electoral process for all voters; and

(3) Investigate state compliance with the federal Help America Vote Act.

3. The committee shall meet no less than once in each congressional district and shall make recommendations in two reports to be presented to the governor and the general assembly no later than November 30, 2006 and November 30, 2007.

4. The provisions of this section shall expire on December 1, 2007.”; and

further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SS No. 2 for SCS for SBs 1014 and 730**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SS No. 2 for SCS for SBs 1014 and 730**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Gibbons, Griesheimer and Mayer.

SS No. 2 for SCS for SBs 1014 and 730, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 2768, regarding Sherri Bigsby, Mokane, which was adopted.

Senator Engler offered Senate Resolution No. 2769, regarding Janet Croft, which was adopted.

Senator Engler offered Senate Resolution No. 2770, regarding Connie Thebeau, which was adopted.

Senator Engler offered Senate Resolution No. 2771, regarding Richard Craft, which was adopted.

Senator Engler offered Senate Resolution No. 2772, regarding Brenda J. Morton, which was adopted.

Senator Engler offered Senate Resolution No. 2773, regarding Rebecca Bourbon, which was adopted.

Senator Engler offered Senate Resolution No. 2774, regarding Sharon Head, which was adopted.

Senator Engler offered Senate Resolution No. 2775, regarding Gail Chitwood, which was adopted.

Senator Engler offered Senate Resolution No. 2776, regarding Terry Gibbons, which was adopted.

Senator Engler offered Senate Resolution No. 2777, regarding Edward Garrigan, which was adopted.

Senator Engler offered Senate Resolution No. 2778, regarding Norman Crumpecker, which was adopted.

Senator Engler offered Senate Resolution No. 2779, regarding Regina Pinson, which was adopted.

Senator Engler offered Senate Resolution No. 2780, regarding RuthAnn Yount, which was

adopted.

Senator Engler offered Senate Resolution No. 2781, regarding Daniel Schunks, which was adopted.

Senator Engler offered Senate Resolution No. 2782, regarding Sally Jo Purkett, which was adopted.

Senator Engler offered Senate Resolution No. 2783, regarding Shauna Kay Welch, which was adopted.

Senator Engler offered Senate Resolution No. 2784, regarding Carol Williams, which was adopted.

Senator Engler offered Senate Resolution No. 2785, regarding Nancy Huff, which was adopted.

Senator Engler offered Senate Resolution No. 2786, regarding Robert “Van” Yount, which was adopted.

Senator Engler offered Senate Resolution No. 2787, regarding Kathy Keay, which was adopted.

Senator Engler offered Senate Resolution No. 2788, regarding Gary G. Eller, which was adopted.

Senator Loudon offered Senate Resolution No. 2789, regarding the WITS and Knights of Columbus Earth Day 2006 Computer/Electronics Recycling Event, which was adopted.

Senator Wilson offered Senate Resolution No. 2790, regarding Jermaine J. Reed, which was adopted.

Senator Wilson offered Senate Resolution No. 2791, regarding Susan Else, which was adopted.

Senator Wilson offered Senate Resolution No. 2792, regarding Adrian Dial, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 2793, regarding Nate Taylor, Kansas City, which was adopted.

Senator Klindt offered Senate Resolution No. 2794, regarding DeWayne McIntyre, Hopkins,

which was adopted.

Senator Loudon offered Senate Resolution No. 2795, regarding Courtney Rahn, which was adopted.

Senator Shields offered Senate Resolution No. 2796, regarding Citi Cards, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2797, regarding Dr. Dan L. Colgan, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, participants of Leadership Joplin.

Senator Goodman introduced to the Senate, twenty-one seventh and eighth grade students from Bradleyville.

Senator Vogel introduced to the Senate, the Rotary Group Study Exchange Team from Germany.

Senator Purgason introduced to the Senate, Carrie Brixey, Columbia.

Senator Ridgeway introduced to the Senate, students from Oak Hill Day School.

Senator Scott introduced to the Senate, Paul and Martha Crouch, Windsor; Sang Eun Choi and Kwang Jin Kim, South Korea; Trish Meyer, Clinton; and Anna Kubistova', Czech Republic, representatives from the Council on International Education Exchange.

Senator Kennedy introduced to the Senate, students from Abiding Savior Lutheran School, St. Louis.

Senator Crowell introduced to the Senate, fourth grade students from Alma Schrader Elementary School, Cape Girardeau.

Senator Crowell introduced to the Senate, fourth grade students from Immaculate Conception School, Jackson.

Senator Shields introduced to the Senate, Jerry and Ray Stock, St. Joseph.

Senator Loudon introduced to the Senate, fourth grade students from Ross Elementary School, Creve Coeur.

Senator Loudon introduced to the Senate, Al Gonzales, P.E., Ph.D., St. Charles.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Kristin Hahn-Cover, M.D., Columbia.

Senator Cauthorn introduced to the Senate, Mrs. Ogar, Mrs. Weber, Mr. Femwrite and students from Hawthorn Elementary School, Mexico.

Senator Gibbons introduced to the Senate, thirty-one eighth grade students from St. Michael's School, Shrewsbury.

Senator Bartle introduced to the Senate, students from Lee's Summit Baptist Temple.

On motion of Senator Shields, the Senate adjourned until 11:00 a.m., Friday, April 21, 2006.

SENATE CALENDAR

FIFTY-EIGHTH DAY—FRIDAY, APRIL 21, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1092

HCS for HB 1441

HCS for HB 1900

HB 1864-Nolte, et al

HCS for HB 1322

HCS for HB 1581

HB 1728-Rector, et al

HB 1884-Behnen

HCS for HB 1021

THIRD READING OF SENATE BILLS

SCS for SB 820-Koster (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 759-Engler

SB 998-Champion, with SCS

SB 1250-Alter, with SCS

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1456, with SCS (Ridgeway)
(In Fiscal Oversight)
HCS for HB 1339 (Goodman)
HCS for HBs 1270 & 1027, with SCS

HB 1623-St. Onge, et al
HCS for HB 978, with SCS (Goodman)
HCS for HB 1306, with SCS (Crowell)
HCS for HB 1742, with SCS (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS
for SCS (pending)
SB 617-Koster, with SCS
SB 635-Cauthorn
SB 637-Cauthorn, et al, with SCS & SA 3
(pending)
SB 642-Scott
SB 655-Nodler, with SCS
SBs 665 & 757-Engler, with SCS & SA 1
(pending)
SB 687-Scott and Bartle, with SCS
SB 736-Crowell and Cauthorn, with SCS
SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending)
SB 817-Scott, et al

SB 841-Ridgeway, et al, with SCS
SB 849-Mayer, et al, with SS, SA 6 & SA
1 to SA 6 (pending)
SB 862-Engler, with SCS
SB 1009-Klindt, with SS (pending)
SBs 1031 & 846-Klindt, with SCS
SB 1038-Mayer
SB 1049-Shields, with SCS
SB 1092-Klindt, with SCS
SB 1104-Cauthorn and Klindt, with SCS
SB 1114-Goodman & Loudon, with SCS
SB 1188-Gibbons
SB 1217-Goodman
SB 1251-Shields, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)	HCS for HB 1762, with SCS (Scott)
HB 1858-Lipke (Goodman)	HCS for HBs 1382 & 1158, with SCS
HCS for HBs 1617 & 1374 (Stouffer)	(Ridgeway)
HCS for HB 1053 (Wheeler)	HB 1488-Roorda, et al (Kennedy)
HCS#2 for HB 1703 (Bartle)	HCS for HB 1180 (Bray)
HB 1857-Lipke (Goodman)	HB 1234-Loehner, et al (Clemens)
HCS for HB 1343 (Cauthorn)	HB 1245-Sater, et al (Shields)
HB 1204-Roorda, et al (Alter)	HCS for HB 1449, with SCS (Mayer)
HB 1427-Johnson (90), et al (Kennedy)	HCS for HB 1511, with SCS (Shields)
HB 1169-Cooper (120) (Scott)	HB 1732-Fraser, et al (Days)
HCS for HB 1759 (Clemens)	HB 1494-Emery, et al (Scott)
HCS for HB 1739 (Bartle)	HB 1393-Behnen, et al (Goodman)
HCS for HB 1244 (Engler)	HB 983-Meadows, et al (Alter)
HCS for HB 1551 (Engler)	HB 984-Meadows, et al (Alter)
HB 1601-Weter, et al, with SCS	HB 1715-Pratt (Bartle)
(Dougherty)	HB 998-Smith (118) (Scott)
HB 1687-Wright (137), et al, with SCA 1	HCS for HB 1135 (Stouffer)
(Champion)	HCS for HB 1710 (Gibbons)
HB 1222-Cooper (158) (Scott)	HCS for HB 1333 (Mayer)
HB 1491-Walton, et al (Days)	HCS for HB 1366 (Engler)
HB 1437-Threlkeld, with SCS (Bartle)	HB 1424-Franz (Purgason)
HCS for HB 1515 (Koster)	HCS for HB 1711 (Gibbons)
HCS for HB 1787, with SCS (Mayer)	HB 1707-Dusenberger, et al, with SCS
HCS for HB 1344 (Coleman)	(Bartle)
HCS for HB 1552 (Wilson)	HB 1509-Bruns and Wildberger, with SCS
HCS for HB 1138 (Ridgeway)	(Vogel)
HCS for HB 1256 (Days)	HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)	HB 1722-Sutherland, et al (Mayer)
HCS for HB 1037 (Klindt)	HB 1833-Wood, et al (Goodman)
HCS for HB 1440, with SCS (Ridgeway)	HB 1988-Wagner, et al (Barnitz)
HB 1144-May, et al (Clemens)	HB 1466-Daus
HB 1577-Pollock, et al (Clemens)	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HB 1001-Icet, with SCS (Gross)	HB 1008-Icet, with SCS (Gross)
HCS for HB 1002, with SCS (Gross)	HB 1009-Icet, with SCS (Gross)
HCS for HB 1003, with SCS (Gross)	HCS for HB 1010, with SCS (Gross)
HCS for HB 1004, with SCS (Gross)	HCS for HB 1011, with SCS (Gross)
HCS for HB 1005, with SCS (Gross)	HCS for HB 1012, with SCS (Gross)
HCS for HB 1006, with SCS (Gross)	HB 1013-Icet, with SCS (Gross)
HCS for HB 1007, with SCS (Gross)	

RESOLUTIONS

Reported from Committee

SR 2363-Gross

To be Referred

HCR 10-Zweifel, et al
HCR 37-Loehner, et al

HCR 18-Kuessner, et al

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY—FRIDAY, APRIL 21, 2006

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Vogel submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SBs 1014** and **730**,

begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, fourth grade students from Clarksburg Elementary School, Clarksburg.

On motion of Senator Vogel, the Senate adjourned until 11:30 a.m., Monday, April 24, 2006.

SENATE CALENDAR

FIFTY-NINTH DAY—MONDAY, APRIL 24, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1092

HCS for HB 1441

HCS for HB 1900

HB 1864-Nolte, et al

HCS for HB 1322
HCS for HB 1581
HB 1728-Rector, et al

HB 1884-Behnen
HCS for HB 1021

THIRD READING OF SENATE BILLS

SCS for SB 820-Koster (In Fiscal Oversight)

SS#2 for SCS for SBs 1014 & 730-Scott

SENATE BILLS FOR PERFECTION

SB 759-Engler
SB 998-Champion, with SCS

SB 1250-Alter, with SCS
SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1456, with SCS (Ridgeway)
(In Fiscal Oversight)
HCS for HB 1339 (Goodman)
HCS for HBs 1270 & 1027, with SCS

HB 1623-St. Onge, et al
HCS for HB 978, with SCS (Goodman)
HCS for HB 1306, with SCS (Crowell)
HCS for HB 1742, with SCS (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS &
SS for SCS (pending)
SB 617-Koster, with SCS
SB 635-Cauthorn
SB 637-Cauthorn, et al, with SCS &
SA 3 (pending)
SB 642-Scott
SB 655-Nodler, with SCS
SBs 665 & 757-Engler, with SCS &
SA 1 (pending)
SB 687-Scott and Bartle, with SCS
SB 736-Crowell and Cauthorn, with SCS
SB 816-Griesheimer and Coleman,
with SCS & SS#2 for SCS (pending)
SB 817-Scott, et al

SB 841-Ridgeway, et al, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SB 862-Engler, with SCS
SB 1009-Klindt, with SS (pending)
SBs 1031 & 846-Klindt, with SCS
SB 1038-Mayer
SB 1049-Shields, with SCS
SB 1092-Klindt, with SCS
SB 1104-Cauthorn and Klindt, with SCS
SB 1114-Goodman & Loudon, with SCS
SB 1188-Gibbons
SB 1217-Goodman
SB 1251-Shields, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)
HB 1858-Lipke (Goodman)
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HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HB 1601-Weter, et al, with SCS
(Dougherty)
HB 1687-Wright (137), et al, with SCA 1
(Champion)
HB 1222-Cooper (158) (Scott)
HB 1491-Walton, et al (Days)
HB 1437-Threlkeld, with SCS (Bartle)
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HCS for HB 1552 (Wilson)
HCS for HB 1138 (Ridgeway)
HCS for HB 1256 (Days)
HCS for HB 1762, with SCS (Scott)
HCS for HBs 1382 & 1158, with SCS
(Ridgeway)
HB 1488-Roorda, et al (Kennedy)
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HB 1234-Loehner, et al (Clemens)
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HB 1424-Franz (Purgason)

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HB 1707-Dusenberg, et al,
with SCS (Bartle)

HB 1509-Bruns and Wildberger,
with SCS (Vogel)
HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)
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HB 1144-May, et al (Clemens)
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HB 1722-Sutherland, et al (Mayer)
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus (Coleman)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HB 1001-Icet, with SCS (Gross)
HCS for HB 1002, with SCS (Gross)
HCS for HB 1003, with SCS (Gross)
HCS for HB 1004, with SCS (Gross)
HCS for HB 1005, with SCS (Gross)
HCS for HB 1006, with SCS (Gross)
HCS for HB 1007, with SCS (Gross)

HB 1008-Icet, with SCS (Gross)
HB 1009-Icet, with SCS (Gross)
HCS for HB 1010, with SCS (Gross)
HCS for HB 1011, with SCS (Gross)
HCS for HB 1012, with SCS (Gross)
HB 1013-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

To be Referred

HCR 10-Zweifel, et al
HCR 37-Loehner, et al

HCR 18-Kuessner, et al

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY—MONDAY, APRIL 24, 2006

The Senate met pursuant to adjournment.

Senator Goodman in the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 1021—Appropriations.

REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SBs 1014** and **730** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Reverend Carl Gauck offered the following prayer:

“Owe no man anything, but to love one another.” (Romans 13:8)

Gracious God, as we begin this new week with its new pressures and differences with one another, let us be reminded that as Your children we owe to You and all humankind the debt of love. Let us express this love and kindness and helpfulness to those we work with and meet each day. Let us live as if love is not optional,

but something we have to pay daily as Your own. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, April 20, 2006 and Friday, April 21, 2006 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 2798, regarding Caitlin Jenkins, Harrisburg, which was adopted.

Senator Crowell offered Senate Resolution No. 2799, regarding Steven Schaffner, which was adopted.

Senator Crowell offered Senate Resolution No. 2800, regarding Pam Schulte, which was adopted.

Senator Crowell offered Senate Resolution No. 2801, regarding Lynne Karnes, which was adopted.

Senator Crowell offered Senate Resolution No. 2802, regarding Mark Langenfeld, which was adopted.

Senator Crowell offered Senate Resolution No. 2803, regarding Mark Hahn, which was adopted.

Senator Crowell offered Senate Resolution No. 2804, regarding Kelly Steinbecker, which was adopted.

Senator Crowell offered Senate Resolution No. 2805, regarding Alicia Zarlingo, which was adopted.

Senator Crowell offered Senate Resolution No. 2806, regarding Katherine Kasten, which was adopted.

Senator Crowell offered Senate Resolution No. 2807, regarding Amanda Craven, which was adopted.

Senator Crowell offered Senate Resolution No. 2808, regarding Stacy Estes, which was adopted.

Senator Crowell offered Senate Resolution No. 2809, regarding Gold Awardee Melissa

Manetz, which was adopted.

Senator Crowell offered Senate Resolution No. 2810, regarding Silver Awardee Melissa Manetz, which was adopted.

Senator Crowell offered Senate Resolution No. 2811, regarding Rebecca Koeller, which was adopted.

Senator Crowell offered Senate Resolution No. 2812, regarding Barbara Gillard, which was adopted.

Senator Crowell offered Senate Resolution No. 2813, regarding Roxanne Hudak, which was adopted.

Senator Crowell offered Senate Resolution No. 2814, regarding Mary Smith, which was adopted.

Senator Crowell offered Senate Resolution No. 2815, regarding Sarah DeWilde, which was adopted.

Senator Crowell offered Senate Resolution No. 2816, regarding Bayley Hotop, which was adopted.

Senator Crowell offered Senate Resolution No. 2817, regarding Janel Koenig, which was adopted.

Senator Crowell offered Senate Resolution No. 2818, regarding Lisa Lambert, which was adopted.

Senator Crowell offered Senate Resolution No. 2819, regarding Carissa Luttrell, which was adopted.

Senator Crowell offered Senate Resolution No. 2820, regarding Heidi Lappe, which was adopted.

Senator Crowell offered Senate Resolution No. 2821, regarding Chelsie Pingel, which was adopted.

Senator Engler offered Senate Resolution No. 2822, regarding Mitzi Midkiff, which was adopted.

Senator Engler offered Senate Resolution No. 2823, regarding Gary Midkiff, which was adopted.

Senator Engler offered Senate Resolution No. 2824, regarding Regina Romann, which was adopted.

Senator Engler offered Senate Resolution No. 2825, regarding Nancy Stone, which was adopted.

Senator Engler offered Senate Resolution No. 2826, regarding Laurel Babbitt, which was adopted.

Senator Engler offered Senate Resolution No. 2827, regarding Phyllis Eller, which was adopted.

Senator Engler offered Senate Resolution No. 2828, regarding Joe Strobl, which was adopted.

Senator Green offered Senate Resolution No. 2829, regarding Sister Rosalyce Mercurio, SSND, which was adopted.

Senator Green offered Senate Resolution No. 2830, regarding Dr. Kevin McClain, which was adopted.

Senator Graham offered Senate Resolution No. 2831, regarding the 2006 Ellis Fischel Cancer Center Gala, which was adopted.

Senator Engler offered Senate Resolution No. 2832, regarding Roger Faulkner, Des Arc, which was adopted.

Senator Engler offered Senate Resolution No. 2833, regarding Gale Bollinger, Cadet, which was adopted.

Senator Engler offered Senate Resolution No. 2834, regarding Freda Moore, Doe Run, which was adopted.

Senator Engler offered Senate Resolution No. 2835, regarding Phillip Ron Nixon, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 2836, regarding Sharon Gifford, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No.

2837, regarding Patricia Scott, which was adopted.

Senator Engler offered Senate Resolution No. 2838, regarding Regina L. McDaniel, which was adopted.

Senator Shields offered Senate Resolution No. 2839, regarding Kevin E. Kinkade, R.Ph., which was adopted.

Senator Stouffer offered Senate Resolution No. 2840, regarding Bill Jackson, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 2841, regarding Logan Lenz, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2842, regarding Saints Peter and Paul Catholic Church, Boonville, which was adopted.

Senator Bray offered Senate Resolution No. 2843, regarding Lillian "Lil" Guttin, Saint Louis, which was adopted.

Senator Alter offered Senate Resolution No. 2844, regarding Gloria William, which was adopted.

Senator Alter offered Senate Resolution No. 2845, regarding Michael Pipkin, which was adopted.

Senator Alter offered Senate Resolution No. 2846, regarding Judith Hutchison, which was adopted.

Senator Alter offered Senate Resolution No. 2847, regarding Lora Duncan, which was adopted.

Senator Alter offered Senate Resolution No. 2848, regarding Carole Schmidt, which was adopted.

Senator Alter offered Senate Resolution No. 2849, regarding Jacqueline Schroeder, which was adopted.

Senator Alter offered Senate Resolution No. 2850, regarding Ann Capps, which was adopted.

Senator Alter offered Senate Resolution No.

2851, regarding Mary Bollinger, which was adopted.

Senator Alter offered Senate Resolution No. 2852, regarding David Bess, which was adopted.

Senator Alter offered Senate Resolution No. 2853, regarding Alane Antoine, which was adopted.

Senator Alter offered Senate Resolution No. 2854, regarding Debra Zavadil, which was adopted.

Senator Alter offered Senate Resolution No. 2855, regarding Krista Wysong-Kelam, which was adopted.

Senator Alter offered Senate Resolution No. 2856, regarding Edgar White, which was adopted.

Senator Alter offered Senate Resolution No. 2857, regarding Krista Welker, which was adopted.

Senator Alter offered Senate Resolution No. 2858, regarding Susangela Thurman, which was adopted.

Senator Alter offered Senate Resolution No. 2859, regarding Lorraine Riesinger, which was adopted.

Senator Alter offered Senate Resolution No. 2860, regarding Sally Perstrobe, which was adopted.

Senator Alter offered Senate Resolution No. 2861, regarding Stephen Jennemann, which was adopted.

Senator Alter offered Senate Resolution No. 2862, regarding Jerald Joyce, which was adopted.

Senator Alter offered Senate Resolution No. 2863, regarding Susan Casteel, which was adopted.

Senator Engler offered Senate Resolution No. 2864, regarding Dr. Robert M. Taylor, Festus, which was adopted.

Senator Klindt offered Senate Resolution No. 2865, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Richard Kost, Mercer, which was adopted.

Senator Klindt offered Senate Resolution No. 2866, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Paul Polley, Ridgeway, which was adopted.

Senators Bray and Gibbons offered Senate Resolution No. 2867, regarding Charles T. “Ted” Curtis, Webster Groves, which was adopted.

Senator Bartle offered Senate Resolution No. 2868, regarding William Cole Thompson, which was adopted.

Senator Bartle offered Senate Resolution No. 2869, regarding Thomas Keeley, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2870, regarding Grant Michael Guevel, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2871, regarding Luke Christopher Williams, Lee’s Summit, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 820** and **SS No. 2** for **SCS** for **SBs 1014** and **730**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Gibbons referred **HCR 10**; **HCR 37**; and **HCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **HCS** for **HB 1742**, with **SCS** to the Committee on Governmental Accountability and Fiscal

Oversight.

Senator Gross assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Engler, **SB 759** was placed on the Informal Calendar.

At the request of Senator Champion, **SB 998**, with **SCS**, was placed on the Informal Calendar.

Senator Alter moved that **SB 1250**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1250**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1250

An Act to repeal sections 161.092, 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof ten new sections relating to illegal aliens.

Was taken up.

Senator Alter moved that **SCS** for **SB 1250** be adopted.

Senator Scott assumed the Chair.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 8, Section 590.700, Line 9, by inserting after all of said line the following:

“Section 1. 1. Every contractor or other employer working on a public works project in this state shall require each newly hired independent contractor to fill out a federal W-9 form. Copies of the forms shall be forwarded to the department of revenue within thirty days from the hiring of each independent contractor.

2. Any contractor or other employer working on a public works project in this state shall not, in an attempt to avoid tax liability or reporting requirements for any employee, avoid

payments to the unemployment compensation fund under chapter 288, RSMo, or avoid payments to the second injury fund under chapter 287, RSMo, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.

3. Any interested party, including a bidder, contractor, subcontractor or any person employed on a public works project, or the department of revenue may, upon reasonable suspicion that any contractor or subcontractor is currently or has misclassified employees as independent contractors, file a complaint with the labor and industrial relations commission alleging a violation of this section.

4. Upon receiving such a complaint, the labor and industrial relations commission shall investigate each claim for a determination of a violation of this section. In determining whether there was a violation of this section, the commission shall compel each contractor or subcontractor to provide records documenting each independent contractor's job title, a description of the work performed on the project and the number of hours the individual in question has worked on the project. Within sixty days of receiving a complaint under this section, the commission shall conduct a hearing to determine a violation of this section. At the hearing, there shall be a rebuttable presumption that any independent contractor who has logged two thousand eighty hours on the project has been misclassified as an independent contractor. This presumption may be rebutted if the employer establishes by a preponderance of the evidence that the independent contractor in question was properly classified. The commission shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts,

books, papers, records, and other documents. Subpoenas may be signed by any member of the commission. In case of failure to obey a subpoena, and upon application by the commission, any judge of a court of competent jurisdiction of the state in which the commission is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt.

5. Either party may appeal the commission's finding to the circuit court of cole county.

6. Any such contractor or other employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to twice the amount of tax otherwise due on the employee's taxable wages, payments otherwise due to the unemployment compensation fund under chapter 288, RSMo, and payments otherwise due to the second injury fund under chapter 287, RSMo, to be paid to the department of labor.

7. No such contractor or other employer shall terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has communicated the intent to file an action alleging a violation of this section.

8. The director of revenue is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, taking all actions necessary to collect the fines and taxes due pursuant to this section. The director of revenue shall direct to the unemployment compensation fund and to the second injury fund amounts that are collected for payments due to those funds.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Crowell raised the point of order that SA 1 is out of order as it goes beyond the scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Gross offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 7, Section 208.009, Line 49, by inserting after all of said line the following:

“285.025. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement, or loan from this state, **or a loan from any governing body in this state.** The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, **349**, 447, or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement, or loan, **or a loan from any governing body in this state,** pursuant to chapter 32, 100, 135, 253, **349**, 447, or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation,

partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or **any** loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any [state-administered or subsidized] tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole County circuit court."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

The Senate paused for a moment of silence, followed by a prayer, in memory of James Walsh.

Senator Gibbons offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 7, Section 208.009, Line 49, by inserting after all of said line the following:

"544.677. 1. When any person is charged with a felony and confined for any period of time in a county jail, municipal jail, or regional jail, a reasonable effort shall be made by the jailer to determine whether or not such person is a citizen of the United States. If the jailer reasonably believes that such person is not a citizen of the United States, he or she shall make

a reasonable effort to verify that such person has been lawfully admitted to the United States, and if lawfully admitted, that such lawful status has not expired. If verification of the person's lawful status cannot be made from documents in his or her possession, verification shall be made within forty-eight hours through a query to the United States Department of Homeland Security. If it is determined that the person being confined is not lawfully within the United States, the jailer or an employee of the jailer shall notify the United States Department of Homeland Security.

2. Nothing in this section shall be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Green offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:

"34.077. 1. It is hereby declared to be the policy of the state of Missouri that any employer who employs any undocumented worker shall be prohibited from entering into a contract as, or performing work as, a contractor or subcontractor on a project governed by a public works contract.

2. No employer who employs an undocumented worker, as defined by the federal Immigration Reform and Control Act of 1986, shall be eligible to enter into a public works contract, as defined in section 34.058, nor shall any employer who employs any undocumented

worker be eligible to contract as a subcontractor on a project governed by a public works contract. No employer who employs an undocumented worker shall be allowed to perform work as a contractor or subcontractor on a project governed by a public works contract.

3. Any public entity inviting bids for or letting a public works contract shall insert in such entity's criteria for eligibility for the award of such contract a signed, notarized statement by the applicant affirming that such applicant employs no undocumented workers. Any public entity entering into a public works contract shall cause to be inserted into such contract:

(1) A provision that prohibits the contractor from employing any undocumented worker at any time during the period covered by such contract;

(2) A provision that prohibits the contractor, or any level of subcontractor, from contracting with any subcontractor who employs any undocumented worker at any time during the period covered by such contract;

(3) A provision to the effect that compliance with the provisions of this section shall be material to the contract and any violation of any provision of this section shall constitute a material breach of the contract and shall allow the public entity to unilaterally and immediately terminate the contract with the contractor; and

(4) A provision that requires the contractor to include such provisions in their bond contract that will guarantee the faithful performance of and compliance with the requirements of this section, and that will hold the public entity harmless for any losses incurred as a direct or indirect result of the contractor's violation of this section, and for any losses incurred as a direct or indirect result of the public entity's termination of the contract pursuant to this section.

4. Any entity that is found to have knowingly or negligently employed an undocumented worker at any time during the period said entity was under contract on a project governed by a public works contract, in violation of this section, shall be ineligible to work on any project governed by a public works contract for three years following such determination. An entity may appeal such determination with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. For purposes of this section, the word "negligent" shall have the meaning set forth in section 285.025, RSMo.

5. In addition to other provisions of law which may allow interested parties or others to take action to enforce the provisions of this section, the attorney general is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, obtaining an order for injunction from a court of competent jurisdiction:

(1) To stop a contractor from bidding on, or entering into, or performing work pursuant to, any contract or subcontract for construction of public works; and

(2) To stop a public entity from paying a contractor who has violated any provision of this section."; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Crowell offered SA 1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 1250, Page 2, Section 34.077, Lines 24-25, by striking the words "or negligently" and further amend page

3, line 2, by striking the word “For” and further strike lines 3-4.

Senator Crowell moved that the above amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SA 1** to **SA 4** and was joined in his request by Senators Crowell, Days, Graham and Kennedy.

SA 1 to **SA 4** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—22		

NAYS—Senators

Barnitz	Bray	Callahan	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

Absent—Senator Wheeler—1

Absent with leave—Senator Coleman—1

Vacancies—1

SA 4, as amended, was again taken up.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 1250, Pages 1-3, Section 161.092, by deleting said section from the bill; and further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 1250, Pages 6-7, Section 208.009, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 1, Section 43.032, Lines 1-11, by striking said section from the bill; and

further amend said bill, section 590.700, pages 7-8 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Alter moved that **SCS** for **SB 1250**, as amended, be adopted, which motion prevailed.

On motion of Senator Alter, **SCS** for **SB 1250**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SCS for **SB 820**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 820**

An Act to repeal sections 33.700 and 33.710, RSMo, and section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate

committee substitute for senate bills nos. 420 and 344, ninety-third general assembly, first regular session, and to enact in lieu thereof three new sections relating to governmental emergencies.

Was taken up by Senator Koster.

On motion of Senator Koster, **SCS** for **SB 820** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Days—1

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SBs 1014** and **730**, introduced by Senator Scott, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 and 730

An Act to repeal sections 115.105, 115.126, 115.159, 115.163, 115.223, 115.427, 115.430, 115.431, 115.445, 115.631, and 115.637, RSMo, and to enact in lieu thereof eighteen new sections

relating to election administration, with penalty provisions and an expiration date and an emergency clause for a certain section.

Was taken up.

Senator Goodman assumed the Chair.

On motion of Senator Scott, **SS No. 2** for **SCS** for **SBs 1014** and **730** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Days	Dougherty
Graham	Green	Kennedy	Wheeler
Wilson—9			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Klindt	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Bray	Days	Dougherty	Graham
Green	Kennedy	Wheeler	Wilson—8

Absent—Senator Loudon—1

Absent with leave—Senator Coleman—1

Vacancies—1

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1021**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 645**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1767**, entitled:

An Act to repeal sections 192.925, 197.500, 198.006, 198.070, 198.532, 208.909, 210.906, 559.100, 565.180, 565.182, 565.184, 565.188, 565.200, 570.145, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.70, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290,

660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.620, 660.625, 660.600, 660.603, 660.605, and 660.608, RSMo, and to enact in lieu thereof sixty-nine new sections relating to protections for disabled persons and the elderly, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1677**, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to Missouri adjusted gross income calculations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1534**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to funding for the life sciences research trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1619**, entitled:

An Act to repeal section 147.010, RSMo, and

to enact in lieu thereof one new section relating to annual franchise tax rates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1910**, entitled:

An Act to amend chapters 34 and 290, RSMo, by adding thereto eight new sections relating to public contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1092—Ways and Means.

HCS for HB 1441—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 1900—Financial and Governmental Organizations and Elections.

HB 1864—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1322—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1581—Ways and Means.

HB 1728—Commerce, Energy and the Environment.

HB 1884—Financial and Governmental Organizations and Elections.

REPORTS OF STANDING COMMITTEES

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on

Transportation, to which was referred **HCS for HB 1532**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2872, regarding Paula D. Jackson, which was adopted.

Senator Engler offered Senate Resolution No. 2873, regarding Judy Woodham, which was adopted.

Senator Engler offered Senate Resolution No. 2874, regarding Eunice Oliver, which was adopted.

Senator Engler offered Senate Resolution No. 2875, regarding Kathleen Ann Heine, which was adopted.

Senator Dougherty offered Senate Resolution No. 2876, regarding Andrea Lynn Mulford, which was adopted.

Senator Dougherty offered Senate Resolution No. 2877, regarding Bill Siedhoff, Saint Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 2878, regarding the Sixty-fifth Birthday of Elsie Schiller, Fenton, which was adopted.

Senator Champion offered Senate Resolution No. 2879, regarding Shirley Shedd, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Vogel and himself, Senator Gross introduced to the Senate, Cassie and Allana Grewing, Holts Summit; and Allana was made an honorary page.

Senator Clemens introduced to the Senate, Travis and Amber Crider, Springfield.

Senator Engler introduced to the Senate, Jeff and Sue Lindsey and the Van Buren Middle School Student Council, Van Buren.

Senator Shields introduced to the Senate,
Crispin Rea and Deaha Hawkins, students from
Park University, Parkville.

On motion of Senator Shields, the Senate
adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY—TUESDAY, APRIL 25, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1767

HB 1619-Sutherland, et al

HCS for HB 1677

HB 1910-Fisher, et al

HCS for HB 1534

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1456, with SCS (Ridgeway)

HCS for HB 978, with SCS (Goodman)

(In Fiscal Oversight)

HCS for HB 1306, with SCS (Crowell)

HCS for HB 1339 (Goodman)

HCS for HB 1742, with SCS (Shields)

HCS for HBs 1270 & 1027, with SCS

(In Fiscal Oversight)

(Cauthorn)

HCS for HB 1021 (Gross)

HB 1623-St. Onge, et al (Stouffer)

HCS for HB 1532, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS
for SCS (pending)

SB 617-Koster, with SCS
SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS & SA 3
 (pending)
 SB 642-Scott
 SB 655-Nodler, with SCS
 SBs 665 & 757-Engler, with SCS & SA 1
 (pending)
 SB 687-Scott and Bartle, with SCS
 SB 736-Crowell and Cauthorn, with SCS
 SB 759-Engler
 SB 816-Griesheimer and Coleman, with SCS
 & SS#2 for SCS (pending)
 SB 817-Scott, et al
 SB 841-Ridgeway, et al, with SCS
 SB 849-Mayer, et al, with SS, SA 6 &
 SA 1 to SA 6 (pending)

SB 862-Engler, with SCS
 SB 998-Champion, with SCS
 SB 1009-Klindt, with SS (pending)
 SBs 1031 & 846-Klindt, with SCS
 SB 1038-Mayer
 SB 1049-Shields, with SCS
 SB 1092-Klindt, with SCS
 SB 1104-Cauthorn and Klindt,
 with SCS
 SB 1114-Goodman & Loudon,
 with SCS
 SB 1188-Gibbons
 SB 1217-Goodman
 SB 1251-Shields, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)
 HB 1858-Lipke (Goodman)
 HCS for HBs 1617 & 1374 (Stouffer)
 HCS for HB 1053 (Wheeler)
 HCS#2 for HB 1703 (Bartle)
 HB 1857-Lipke (Goodman)
 HCS for HB 1343 (Cauthorn)
 HB 1204-Roorda, et al (Alter)

HB 1427-Johnson (90), et al (Kennedy)
 HB 1169-Cooper (120) (Scott)
 HCS for HB 1759 (Clemens)
 HCS for HB 1739 (Bartle)
 HCS for HB 1244 (Engler)
 HCS for HB 1551 (Engler)
 HB 1601-Weter, et al, with SCS
 (Dougherty)

HB 1687-Wright (137), et al, with SCA 1
(Champion)
HB 1222-Cooper (158) (Scott)
HB 1491-Walton, et al (Days)
HB 1437-Threlkeld, with SCS (Bartle)
HCS for HB 1515 (Koster)
HCS for HB 1787, with SCS (Mayer)
HCS for HB 1344 (Coleman)
HCS for HB 1552 (Wilson)
HCS for HB 1138 (Ridgeway)
HCS for HB 1256 (Days)
HCS for HB 1762, with SCS (Scott)
HCS for HBs 1382 & 1158, with SCS
(Ridgeway)
HB 1488-Roorda, et al (Kennedy)
HCS for HB 1180 (Bray)
HB 1234-Loehner, et al (Clemens)
HB 1245-Sater, et al (Shields)
HCS for HB 1449, with SCS (Mayer)

HCS for HB 1511, with SCS (Shields)
HB 1732-Fraser, et al (Days)
HB 1494-Emery, et al (Scott)
HB 1393-Behnen, et al (Goodman)
HB 983-Meadows, et al (Alter)
HB 984-Meadows, et al (Alter)
HB 1715-Pratt (Bartle)
HB 998-Smith (118) (Scott)
HCS for HB 1135 (Stouffer)
HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)
HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)
HCS for HB 1711 (Gibbons)
HB 1707-Dusenbergh, et al, with SCS
(Bartle)
HB 1509-Bruns and Wildberger, with SCS
(Vogel)
HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)
HCS for HB 1440, with SCS (Ridgeway)
HB 1144-May, et al (Clemens)
HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus (Coleman)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HB 1001-Icet, with SCS (Gross)
HCS for HB 1002, with SCS (Gross)
HCS for HB 1003, with SCS (Gross)
HCS for HB 1004, with SCS (Gross)
HCS for HB 1005, with SCS (Gross)
HCS for HB 1006, with SCS (Gross)
HCS for HB 1007, with SCS (Gross)

HB 1008-Icet, with SCS (Gross)
HB 1009-Icet, with SCS (Gross)
HCS for HB 1010, with SCS (Gross)
HCS for HB 1011, with SCS (Gross)
HCS for HB 1012, with SCS (Gross)
HB 1013-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial

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Journal

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Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY—TUESDAY, APRIL 25, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

"God gives Grace unto the humble." (James 4:6)

Lord we know that You give to the humble the gifts of an understanding heart, sympathy, kindness, tenderheartedness, patience, and charity. We know that the proud have trouble with receiving such gifts and putting them into daily practice. Help us be willing to give up foolish pride, arrogance, conceit and selfishness and open us to receive Your Grace known to the humble. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2880

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri

Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 26, 2006 and from 8:00 a.m. to 12 noon on October 27, 2006.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2880** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2880** was adopted.

Senator Mayer offered Senate Resolution No. 2881, regarding Katie Patterson, Advance, which was adopted.

Senator Mayer offered Senate Resolution No. 2882, regarding Mary L. Joplin Cook, Greenville, which was adopted.

Senator Clemens offered Senate Resolution No. 2883, regarding Sara Hodge, Republic, which was adopted.

Senator Bartle offered Senate Resolution No. 2884, regarding Dr. Tony Stansberry, Lee's Summit, which was adopted.

Senator Gibbons offered Senate Resolution No. 2885, regarding Bryan Matthew Arrendell, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2886, regarding the Tyree Homestead Farm, Lexington, which was adopted.

Senator Crowell offered Senate Resolution No. 2887, regarding Linda L. Whitener, which was adopted.

Senator Crowell offered Senate Resolution No. 2888, regarding Delma Eileen Farrell, which was adopted.

Senator Crowell offered Senate Resolution No. 2889, regarding Sheila Mickey Porter, which was adopted.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Gross requested unanimous consent of the Senate that the rules be suspended for the purpose of allowing the conferees on **SCS for HB 1001; SCS for HCS for HB 1002; SCS for HCS for HB 1003; SCS for HCS for HB 1004; SCS for HCS for HB 1005; SCS for HCS for HB 1006; SCS for HCS for HB 1007; SCS for HB 1008; SCS for HB 1009; SCS for HCS for HB 1010; SCS for HCS for HB 1011; SCS for HCS for HB 1012; and SCS for HB 1013**, to meet while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

HCS for HB 1339 was placed on the Informal Calendar.

HCS for HBs 1270 and 1027, with **SCS**, entitled:

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to ethanol blend fuel.

Was taken up by Senator Cauthorn.

SCS for HCS for HBs 1270 and 1027, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1270 and 1027

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to ethanol blend fuel.

Was taken up.

Senator Cauthorn moved that **SCS for HCS for HBs 1270 and 1027** be adopted.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 119, by inserting immediately after all of said line the following:

“10. The provisions of this section shall not take effect until such time as the department of transportation can certify to the general assembly that fuel ethanol-blended gasoline does not reduce fuel efficiency in comparison to unblended gasoline with a similar antiknock index number.”.

Senator Bartle moved that the above amendment be adopted, which motion failed.

Senator Shields offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 1, In the Title, Lines 1-2, by striking the words “ethanol blend” and inserting in lieu thereof the following: “renewable”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

“142.031. 1. As used in this section the following terms shall mean:

(1) “Biodiesel”, fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) “**Missouri** qualified biodiesel producer”, a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and **is**:

(a) At least fifty-one percent is owned by agricultural producers **who are residents of this state and who are** actively engaged in agricultural production for commercial purposes; **or**

(b) **At least eighty percent of the feedstock used by the facility originates in the state of Missouri. For purposes of this section, the term “feedstock” shall mean a Missouri agriculture product as defined in section 348.400, RSMo.**

2. The “Missouri Qualified Biodiesel Producer

Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund provided that [fifty-one percent of the feedstock originates in the state of Missouri and that] one hundred percent of the feedstock originates in the United States. **However, the director may waive the feedstock requirements on a month-to-month basis if the facility provides verification that adequate feedstock is not available.** A Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producers during the sixty months fail, due to a lack of appropriations, to receive the full amount from the fund for which the producers were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which such producers were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty million gallons shall not be applied to the computation of a grant

pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri agricultural commodities used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall

become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

7. The provisions of this section shall expire on December 31, 2009. However, Missouri qualified biodiesel producers receiving any grants awarded prior to the expiration date of this section shall continue to be eligible for the remainder of the original sixty-month time period under the same terms and conditions of this section unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which he or she was eligible. In that case, such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Cauthorn, **HCS for HBs 1270 and 1027**, with SCS, as amended (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1767—Aging, Families, Mental and Public Health.

HCS for HB 1677—Pensions, Veterans’

Affairs and General Laws.

HCS for HB 1534—Judiciary and Civil and Criminal Jurisprudence.

HB 1619—Ways and Means.

HB 1910—Small Business, Insurance and Industrial Relations.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS for SB 1250**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has removed Representative Ed Robb from the Conference Committees on **SCS for HCS for HB 1002**, **SCS for HCS for HB 1003**, **SCS for HCS for HB 1004**, **SCS for HCS for HB 1005**, **SCS for HCS for HB 1006**, **SCS for HCS for HB 1007**, **SCS for HB 1008**, **SCS for HB 1009**, **SCS for HCS for HB 1010**, **SCS for HCS for HB 1011**, **SCS for HCS for HB 1012** and **SCS for HB 1013**. The Speaker has appointed Representative Steve Hobbs to the Conference Committees on **SCS for**

HCS for HB 1002, **SCS for HCS for HB 1003**, **SCS for HCS for HB 1004**, **SCS for HCS for HB 1005**, **SCS for HCS for HB 1006**, **SCS for HCS for HB 1007**, **SCS for HB 1008**, **SCS for HB 1009**, **SCS for HCS for HB 1010**, **SCS for HCS for HB 1011**, **SCS for HCS for HB 1012** and **SCS for HB 1013**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1022**, entitled:

An Act to appropriate money for scholarships, planning, expenses, to transfer money among certain funds, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions for the fiscal period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

Senator Cauthorn moved that **HCS for HBs 1270 and 1027**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for HCS for HBs 1270 and 1027, as amended, was again taken up.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

“142.028. 1. As used in this section, the following terms mean:

(1) “Fuel ethanol”, one hundred ninety-eight proof ethanol denatured in conformity with the United States Bureau of Alcohol, Tobacco and Firearms' regulations and fermented and distilled in a facility whose principal (over fifty percent) feed stock is cereal grain or cereal grain by-products;

(2) “Fuel ethanol blends”, a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline portion of the blend or the finished blend meets the American Society for Testing and Materials - specification number D-439;

(3) “Missouri qualified fuel ethanol producer”, any producer of fuel ethanol whose principal place of business and facility for the fermentation and distillation of fuel ethanol is located within the state of Missouri and is at least fifty-one percent owned by agricultural producers actively engaged in agricultural production for commercial purposes, **whose fuel ethanol is sold and consumed exclusively within the state**, and which has made formal application, posted a bond, and conformed to the requirements of this section.

2. The “Missouri Qualified Fuel Ethanol Producer Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel ethanol producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original

sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified fuel ethanol production to be produced from Missouri agricultural products for the succeeding calendar month, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be eligible for a total grant in any fiscal year equal to twenty cents per gallon for the first twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year plus five cents per gallon for the next twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year. All such qualified fuel ethanol produced by a Missouri qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section. If actual production of qualified fuel ethanol during a particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol producer, the department of agriculture shall adjust the subsequent monthly grant by paying additional amount or subtracting the amount in deficiency by using the calculation described in this subsection.

4. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund for a particular month, an application for such funds shall be received no later than fifteen days prior to the first day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified fuel ethanol producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified fuel ethanol producer in the preceding quarter, if

applicable;

(3) The number of bushels of Missouri agricultural commodities used by the Missouri qualified fuel ethanol producer in the production of fuel ethanol in the preceding quarter;

(4) The number of gallons of qualified fuel ethanol the producer expects to manufacture during the month for which the grant is applied;

(5) A copy of the qualified fuel ethanol producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section. The director shall also establish procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer who attempts to obtain moneys pursuant to this section shall be bonded in an amount not to exceed the estimated maximum monthly grant to be issued to such Missouri qualified fuel ethanol producer.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after

August 28, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Goodman assumed the Chair.

Senator Graham offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 106, by replacing the word “shall” with “may”.

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 4**. He was joined in his request by Senators Bartle, Graham, Green and Ridgeway.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Coleman
Dougherty	Graham	Green	Kennedy
Purgason	Ridgeway	Wheeler	Wilson—12

NAYS—Senators

Alter	Barnitz	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Vogel—20

Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies—1

Senator Green offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 119, by inserting immediately after all of said line the following:

“Section 1. No Missouri qualified fuel ethanol producer, as defined in section 142.028, RSMo, eligible for a grant under section 142.208, RSMo, shall employ an undocumented worker, as defined by the federal Immigration Reform and Control Act of 1986. In the event that any such producer employs an undocumented worker, all grant monies received under section 142.028, RSMo, shall terminate and the producer in question shall not be eligible for future grants for a period of three years from the state under section 142.028, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 119, by inserting immediately after all of said line the following:

“Section 1. The provisions of chapter 290, RSMo, shall apply to any Missouri qualified fuel ethanol producer, as defined in section 142.028, RSMo, who receives a grant from the state under section 142.028, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn moved that SCS for HCS

for **HBs 1270 and 1027**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, SCS for HCS for **HBs 1270 and 1027**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Cauthorn
Champion	Clemens	Crowell	Days
Dougherty	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bartle	Callahan	Coleman	Purgason
Ridgeway	Wheeler—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS for HB 1456**, with SCS and **HCS for HB 1742**, with SCS, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

At the request of Senator Ridgeway, **HCS** for **HB 1456**, with **SCS**, was placed on the Informal Calendar.

HB 1623 was placed on the Informal Calendar.

HCS for **HB 978**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1306**, with **SCS**, entitled:

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.380, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.621, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1060, 104.1072, 104.1090, 104.1200, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-two new sections relating to state employee retirement, with penalty provisions.

Was taken up by Senator Crowell.

SCS for **HCS** for **HB 1306**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1306**

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.380, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.621, 104.805, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1060, 104.1072, 104.1090, 104.1200, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-three new sections relating to state employee retirement, with penalty provisions.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HB 1306** be adopted.

Senator Crowell offered **SS** for **SCS** for **HCS** for **HB 1306**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1306**

An Act to repeal sections 32.040, 32.051, 70.600, 70.615, 86.254, 86.330, 86.333, 86.337, 86.340, 86.590, 87.120, 87.325, 87.330, 87.335, 87.340, 87.345, 104.010, 104.040, 104.335, 104.340, 104.342, 104.344, 104.352, 104.354, 104.378, 104.380, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.621, 104.805, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1060, 104.1072, 104.1090, 104.1200, 104.1205, 104.1215, 105.268, 105.660, 105.665, 105.935, 320.320, and 476.682, RSMo, and to enact in lieu thereof fifty-nine new sections relating to state employee benefits, with penalty provisions.

Was taken up.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 1306** be adopted.

Senator Ridgeway assumed the Chair.

At the request of Senator Crowell, **HCS** for **HB 1306**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has removed Representative Steve Hobbs from the Conference Committees on **SCS** for **HCS** for **HB 1002**, **SCS** for **HCS** for **HB 1003**, **SCS** for **HCS** for **HB 1004**, **SCS** for **HCS** for **HB 1005**, **SCS** for **HCS** for **HB 1006**, **SCS** for **HCS** for **HB 1007**, **SCS** for **HB 1008**, **SCS** for **HB 1009**, **SCS** for **HCS** for **HB 1010**, **SCS** for **HCS** for **HB 1011**, **SCS** for **HCS** for **HB 1012** and **SCS** for **HB 1013**. The Speaker has reappointed Representative Ed

Robb to the Conference Committees on **SCS** for **HCS** for **HB 1002**, **SCS** for **HCS** for **HB 1003**, **SCS** for **HCS** for **HB 1004**, **SCS** for **HCS** for **HB 1005**, **SCS** for **HCS** for **HB 1006**, **SCS** for **HCS** for **HB 1007**, **SCS** for **HB 1008**, **SCS** for **HB 1009**, **SCS** for **HCS** for **HB 1010**, **SCS** for **HCS** for **HB 1011**, **SCS** for **HCS** for **HB 1012** and **SCS** for **HB 1013**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 1001, 896 and 761**, entitled:

An Act to repeal sections 302.130, 302.171, and 302.178, RSMo, and to enact in lieu thereof four new sections relating to the licensure of certain motor vehicle drivers, with penalty provisions and an emergency clause for a certain section.

With House Amendments 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761, Page 12, Section 302.178, Line 101, by inserting after all of said line the following:

“302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of

not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to

302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue third-party tester certification to private companies who operate on the campus of a junior college or community college established under chapter 178, RSMo, or to private companies who own and maintain their own fleet and administer in-house testing to employees. Except as specified in this subsection, no third-party tester certification shall be issued to any private company predominately operated for commercial driver's license testing purposes and no third-party tester certification shall be renewed for such company. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

[(3)] (4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material must also meet the requirements of the

U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the secretary[.]. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

3. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896, and 761, Pages 4 through 5, Section 226.009.4(6), Lines 86 through 87, by removing the words “parties making or defending claims against such carriers.” and inserting in lieu thereof the words **“a person identified in this subsection; except that the commission may disclose to such attorneys only data relating to their client, their client’s employer or employee, or their client’s lessor or lessee with reference to a motor vehicle.”**

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761, Pages 9 and 10, Section 302.171, Lines 80 to 85, by deleting all of said lines and inserting in lieu thereof the following:

“8. Notwithstanding any other provision of this chapter that requires an applicant to provide proof of lawful presence for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who has previously held for a period of fifteen years or more a noncommercial driver's license, noncommercial instruction permit, or nondriver's license is exempt from showing proof of lawful presence.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 2890, regarding Joshua David Brickner, Laquey, which was adopted.

Senator Gibbons offered Senate Resolution No. 2891, regarding Katherine Leonard, Kirkwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Congressman John Anderson, Illinois; Congressman John Buchanan, Alabama; and Barry Fadem, California.

Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. Fred G. DeFeo, M.D., and his wife, Carol Jean, Kansas City.

On behalf of Senator Nodler and himself, Senator Goodman introduced to the Senate, Laszlo Laky, Joplin.

Senator Koster introduced to the Senate, members of the Class 4A State Champion Belton High School Dance Team.

Senator Loudon introduced to the Senate, Dr. Jim Gibbons, M.D., his wife, Rita and thirty-five eighth grade students from St. Monica School, Creve Coeur; and Andrew Edwards, Kurt Piening, Emily Powers and Erin McHargue were made honorary pages.

Senator Gibbons introduced to the Senate, Jerry Bohannon and Amy Luechtefeld, St. Louis.

Senator Scott introduced to the Senate, Marsha Eaton, Lyn Everett, Kathy Anstaett, Jennifer Wolfe and Samantha Hager, Warsaw.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIRST DAY—WEDNESDAY, APRIL 26, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

HOUSE BILLS ON SECOND READING

HCS for HB 1022

THIRD READING OF SENATE BILLS

SCS for SB 1250-Alter

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1742, with SCS (Shields)

HCS for HB 1532, with SCS

HCS for HB 1021 (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with
SCS & SS for SCS (pending)

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with
SCS & SA 3 (pending)

SB 642-Scott

SB 655-Nodler, with SCS

SBs 665 & 757-Engler, with
SCS & SA 1 (pending)

SB 687-Scott and Bartle, with SCS

SB 736-Crowell and Cauthorn, with SCS

SB 759-Engler

SB 816-Griesheimer and Coleman, with
SCS & SS#2 for SCS (pending)

SB 817-Scott, et al

SB 841-Ridgeway, et al, with SCS

SB 849-Mayer, et al, with SS, SA 6
& SA 1 to SA 6 (pending)

SB 862-Engler, with SCS

SB 998-Champion, with SCS

SB 1009-Klindt, with SS (pending)

SBs 1031 & 846-Klindt, with SCS

SB 1038-Mayer

SB 1049-Shields, with SCS

SB 1092-Klindt, with SCS

SB 1104-Cauthorn and Klindt, with SCS

SB 1114-Goodman & Loudon, with SCS

SB 1188-Gibbons

SB 1217-Goodman

SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (Goodman)
HCS for HB 1306, with SCS & SS for
SCS (pending) (Crowell)

HCS for HB 1339 (Goodman)
HCS for HB 1456, with SCS (Ridgeway)
HB 1623-St. Onge, et al (Stouffer)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)
HB 1858-Lipke (Goodman)
HCS for HBs 1617 & 1374 (Stouffer)
HCS for HB 1053 (Wheeler)
HCS#2 for HB 1703 (Bartle)
HB 1857-Lipke (Goodman)
HCS for HB 1343 (Cauthorn)
HB 1204-Roorda, et al (Alter)
HB 1427-Johnson (90), et al (Kennedy)
HB 1169-Cooper (120) (Scott)
HCS for HB 1759 (Clemens)
HCS for HB 1739 (Bartle)
HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HB 1601-Weter, et al, with SCS (Dougherty)
HB 1687-Wright (137), et al, with SCA 1
(Champion)
HB 1222-Cooper (158) (Scott)
HB 1491-Walton, et al (Days)

HB 1437-Threlkeld, with SCS (Bartle)
HCS for HB 1515 (Koster)
HCS for HB 1787, with SCS (Mayer)
HCS for HB 1344 (Coleman)
HCS for HB 1552 (Wilson)
HCS for HB 1138 (Ridgeway)
HCS for HB 1256 (Days)
HCS for HB 1762, with SCS (Scott)
HCS for HBs 1382 & 1158, with SCS
(Ridgeway)
HB 1488-Roorda, et al (Kennedy)
HCS for HB 1180 (Bray)
HB 1234-Loehner, et al (Clemens)
HB 1245-Sater, et al (Shields)
HCS for HB 1449, with SCS (Mayer)
HCS for HB 1511, with SCS (Shields)
HB 1732-Fraser, et al (Days)
HB 1494-Emery, et al (Scott)
HB 1393-Behnen, et al (Goodman)

HB 983-Meadows, et al (Alter)
HB 984-Meadows, et al (Alter)
HB 1715-Pratt (Bartle)
HB 998-Smith (118) (Scott)
HCS for HB 1135 (Stouffer)
HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)
HCS for HB 1711 (Gibbons)
HB 1707-Dusenbergh, et al, with SCS (Bartle)
HB 1509-Bruns and Wildberger, with SCS
(Vogel)
HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)
HCS for HB 1440, with SCS (Ridgeway)
HB 1144-May, et al (Clemens)
HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 1001, 896 & 761-Griesheimer,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HB 1001-Icet, with SCS (Gross)
HCS for HB 1002, with SCS (Gross)
HCS for HB 1003, with SCS (Gross)
HCS for HB 1004, with SCS (Gross)
HCS for HB 1005, with SCS (Gross)
HCS for HB 1006, with SCS (Gross)
HCS for HB 1007, with SCS (Gross)

HB 1008-Icet, with SCS (Gross)
HB 1009-Icet, with SCS (Gross)
HCS for HB 1010, with SCS (Gross)
HCS for HB 1011, with SCS (Gross)
HCS for HB 1012, with SCS (Gross)
HB 1013-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY—WEDNESDAY, APRIL 26, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“Faith comes by hearing, and hearing by the Word of God.”
(Romans 10:17)

Gracious God, we know Your Word comes to us in the written and spoken message that proclaims Your love for us and direction for living as You would have us live. Lord, we pray that our faith may rest only on Your Word, and Your voice only will we follow. Grant us the means of Grace that gives us the spiritual support we need to face the challenge of each new day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Kinder assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Koster offered Senate Resolution No. 2892, regarding Daniel Hogan, Warrensburg, which was adopted.

Senator Graham offered Senate Resolution No. 2893, regarding Carla Klein, Columbia, which was adopted.

Senator Clemens offered Senate Resolution No. 2894, regarding the 2005 Class 4A State Champion Ozark High School cheerleading program, which was adopted.

Senator Gross requested unanimous consent of the Senate that the rules be suspended for the purpose of allowing the conferees on **SCS for HB 1001; SCS for HCS for HB 1002; SCS for HCS for HB 1003; SCS for HCS for HB 1004; SCS for**

HCS for HB 1005; SCS for HCS for HB 1006; SCS for HCS for HB 1007; SCS for HB 1008; SCS for HB 1009; SCS for HCS for HB 1010; SCS for HCS for HB 1011; SCS for HCS for HB 1012; and SCS for HB 1013, to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1865**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 1022—Appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 41**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 41
Relating to the designation of Missouri walk and bicycle to school month and day.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, the health and safety of our children is of highest concern to the citizens of Missouri; and

Whereas, promoting safe and healthful walking and bicycling to school is of importance to Missouri parents and teachers, and has been shown to improve student's health and academic performance; and

Whereas, a lack of physical activity plays a leading role in rising rates of obesity, diabetes, and other health problems among children. Being able to walk or bicycle to school offers an opportunity to build healthful physical activity into a child's daily routine; and

Whereas, an important role for parents and caregivers is to

teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trip to school each day and the health and environmental risks related to physical inactivity and air pollution; and

Whereas, the number of children walking and bicycling to school has decreased dramatically in recent years, with less than 10% walking or bicycling to school now compared with 50% just 30 years ago; and

Whereas, serious injury and death of hundreds of children nationwide could be saved each year if communities take steps to make bicycle and pedestrian safety a priority; and

Whereas, the Safe Routes to Schools program is recognized nationally and internationally as being effective in solving these problems and has been successfully piloted in several Missouri communities; and

Whereas, local Safe Routes to Schools efforts combining engineering, enforcement, encouragement, and education have been shown to improve school children's health, mobility, safety, and academic performance; and

Whereas, "International Walk to School Month" in October and "International Walk to School Day" the first Wednesday in October have proven to be helpful in creating and promoting local Safe Route to Schools programs across the United States and throughout the world:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby commend and encourages the Safe Routes to Schools program overseen at the state level by the Missouri Department of Transportation and on the local level by many individuals, agencies, and schools; and

Be it further resolved that the creation of and participation in the local Safe Routes to Schools programs in communities throughout Missouri be encouraged; and

Be it further resolved that the needed cooperation and partnership among students, parents, teachers, parent-teacher groups, community leaders, community groups, public works departments, law enforcement agencies, school districts, the Missouri Department of Transportation, and other departments and agencies of state and local government to create successful Safe Routes to Schools programs be commended and encouraged; and

Be it further resolved that October 2006 is hereby declared to be "Missouri Walk and Bicycle to School Week" and October 4, 2006, is hereby declared to be "Missouri Walk and Bicycle to School Day" in Missouri; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SBs 701 and 948**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 561**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 630**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 559**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 648**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 678**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 751**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 802**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **SB 863**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 933**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 981**, entitled:

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the highway patrol.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 809**, entitled:

An Act to repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 936**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 641**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 677**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 765**, entitled:

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 932**, entitled:

An Act to repeal sections 50.327, 50.339, 52.230, 54.040, 59.331, 228.040, 228.070, and 228.190, RSMo, and to enact in lieu thereof ten new sections relating to county officials.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 974**.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 1031** and **SB 846**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 1031 and 846, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1031 and 846

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

Was taken up.

Senator Klindt moved that **SCS for SBs 1031**

and **846** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1031 and 846, Page 1, Section 386.572, Line 10, by inserting at the end of said line the following: "**one hundred thousand dollars**"; and

Further amend said bill, Page 2, Section 386.572, Line 24, by inserting after "3." the following: "**Except for any related series of violations provided for under subsection 2 of this section,**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCS for SBs 1031 and 846**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS for SBs 1031 and 846**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **HCS for HB 1306**, with **SCS** and **SS for SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HB 1306 was again taken up.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, Page 127, Section 105.684, Line 5 of said page, by striking all of said line; and further amend line 16 of said page, by striking "seventy-five" and inserting in lieu thereof the following: "**one hundred**".

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, Page 8, Section 70.615, Line 20, by inserting immediately after said line the following:

“70.655. 1. Upon a member's retirement he or she shall receive an allowance for life in accordance with the applicable benefit program elected by the member's employer, as follows:

(1) Benefit program L-1. A member with credited service covered by benefit program L-1 shall receive an allowance for life equal to one percent of the member's final average salary multiplied by the number of years of such credited service;

(2) Benefit program L-3. A member with credited service covered by benefit program L-3 shall receive an allowance for life equal to one and one-quarter percent of the member's final average salary multiplied by the number of years of such credited service;

(3) Benefit program LT-4. A member with credited service covered by benefit program LT-4 shall receive an allowance for life equal to one percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-two, then such member shall receive a temporary allowance equal to one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-two;

(4) Benefit program LT-5. A member with credited service covered by benefit program LT-5 shall receive an allowance for life equal to one and

one-quarter percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-two, then such member shall receive a temporary allowance equal to three-quarters of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-two;

(5) Benefit program L-6. A member with credited service covered by benefit program L-6 shall receive an allowance for life equal to two percent of the member's final average salary multiplied by the number of years of such credited service;

(6) Benefit program L-7. A member with credited service covered by benefit program L-7 shall receive an allowance for life equal to one and one-half percent of the member's final average salary multiplied by the number of years of such credited service;

(7) Benefit program LT-8. A member with credited service covered by benefit program LT-8 shall receive an allowance for life equal to one and one-half percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-two, then such member shall receive a temporary allowance equal to one-half of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-two;

(8) Benefit program LT-4(65). A member with credited service covered by benefit program LT-4(65) shall receive an allowance for life equal to one percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(9) Benefit program LT-5(65). A member with credited service covered by benefit program LT-5(65) shall receive an allowance for life equal to one and one-quarter percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to three-quarters of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(10) Benefit program LT-8(65). A member with credited service covered by benefit program LT-8(65) shall receive an allowance for life equal to one and one-half percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age

sixty-five, then such member shall receive a temporary allowance equal to one-half of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(11) Benefit program L-9. A member with credited service covered by benefit program L-9 shall receive an allowance for life equal to one and six-tenths percent of the member's final average salary multiplied by the number of years of such credited service;

(12) Benefit program LT-10(65). A member with credited service covered by benefit program LT-10(65) shall receive an allowance for life equal to one and six-tenths percent of the members' final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to four-tenths of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(13) Benefit program L-11. Benefit program L-11 may cover employment in a position only if such position is not concurrently covered by federal Social Security; in addition, if such position was previously covered by federal Social Security, benefit program L-11 may cover only employment rendered after cessation of federal Social Security coverage. A member with credited service covered by benefit program L-11 shall receive an allowance for life equal to two and

one-half percent of the member's final average salary multiplied by the number of years of such credited service;

(14) Benefit program L-12. A member with credited service covered by benefit program L-12 shall receive an allowance for life equal to one and three-quarter percent of the member's final average salary multiplied by the number of years of such credited service;

(15) Benefit program LT-14(65). A member with credited service covered by benefit program LT-14(65) shall receive an allowance for life equal to one and three-quarter percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645, 70.650, or 70.670, then such member shall receive a temporary allowance equal to one-quarter of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death or the member's attainment of age sixty-five.

2. If each portion of a member's credited service is not covered by the same benefit program, then the member's total allowance for life shall be the total of the allowance for life determined under each applicable benefit program.

3. Each employer shall have the credited service of each of its members covered by benefit program L-1 provided for in this section unless such employer shall have elected another benefit program provided for in this section.

4. Except as otherwise provided in this subsection, each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. Each

political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is not concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. The clerk or secretary of the political subdivision shall certify the election of the benefit program to the board within ten days after such vote. The effective date of the political subdivision's benefit program is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of election of benefit program, or the effective date of the political subdivision becoming an employer, whichever is the latest. Such election of benefit program may be changed from time to time by such vote, but not more often than biennially. If such changed benefit program provides larger allowances than the benefit program previously in effect, then such larger benefit program [shall] **may, if the political subdivision elects as such at the time of its majority vote electing to cover its members under one of the benefit programs provided for in this section,** be applicable to the past and future employment with the employer by present and future employees, **but otherwise shall be applicable only to credited service for employment rendered on or after the effective date of such change.** If such changed benefit program provides smaller allowances than the benefit program previously in effect, then such changed benefit program shall be applicable only to credited service for employment rendered from and after the effective date of such change. After August 28, 1994, political subdivisions shall not elect coverage under benefit program LT-4, benefit program LT-5, or benefit program LT-8. After August 28, 2005, political subdivisions shall not elect coverage under benefit program L-9 or benefit program LT-10(65).

5. Should an employer change its election of benefit program as provided in this section, the employer contributions shall be correspondingly

changed effective the same date as the benefit program change.

6. The limitation on increases in an employer's contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing a benefit program which provides larger allowances.

7. Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, and beginning with the October first which is at least twelve full months after the effective date of the allowance, the amount of the allowance shall be redetermined effective each October first and such redetermined amount shall be payable for the ensuing year. Subject to the limitations stated in the next sentence, such redetermined amount shall be the amount of the allowance otherwise payable multiplied by the following percent: one hundred percent, plus two percent for each full year (excluding any fraction of a year) in the period from the effective date of the allowance to the current October first. In no event shall such redetermined amount (1) be less than the amount of the allowance otherwise payable nor (2) be more than the amount of the allowance otherwise payable multiplied by the following fraction: the numerator shall be the Consumer Price Index for the month of June immediately preceding such October first (but in no event an amount less than the denominator below) and the denominator shall be the Consumer Price Index for the month of June immediately preceding the effective date of the allowance. As used herein, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers, as determined by the United States Department of Labor and in effect January 1, 1975; provided, should such Consumer Price Index be restructured subsequent to 1974 in a manner materially changing its character, the board shall change the application of the Consumer Price Index so that as far as is practicable the 1975 intent of the use of the Consumer Price Index shall be continued. As used

herein "the amount of the allowance otherwise payable" means the amount of the allowance which would be payable without regard to these provisions redetermining allowance amounts after retirement.

8. Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, the maximum allowance payable under the provisions of section 70.685 shall be redetermined each October first in the same manner as an allowance is redetermined under the provisions of subsection 7 of this section.

9. (1) The system establishes reserves for the payment of future allowances to retirants and beneficiaries. Should the board determine, after consulting with the actuary, that the established reserves are more than sufficient to provide such allowances, the board may increase the annual increase rate provided for in subsections 7 and 8 of this section, as it applies to any allowance payable, but in no event shall the total of all redetermined amounts as of October first of any year be greater than one hundred four percent of the allowances which would have been payable that October first without such redeterminations; provided, as of any redetermination date the same annual increase rate shall be applied to all allowances with effective dates in the range of November first to October first of the following year. The board may extend the provisions of subsections 7 and 8 of this section to allowances which became effective before September 28, 1975; provided such an action by the board shall not increase an employer contribution rate then in effect;

(2) After August 28, 1993, the annual increase rate established by this subsection shall be a compound rate, compounded annually, and the four percent annual maximum rate shall also be a compound rate, compounded annually; provided, the use of such compounding shall not begin until October 1, 1993, and shall not affect redeterminations made prior to that date.

10. Should the board determine that the provisions of subsections 7, 8 and 9 of this section are jeopardizing the financial solvency of the system, the board shall suspend these provisions redetermining allowance amounts after retirement for such periods of time as the board deems appropriate.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Griesheimer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 1306, Page 118, Section 104.1095.(2), Line 15, by deleting the word “fifteen” and inserting in lieu thereof the word “twenty”

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, Pages 73-76, Section 104.603, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bill No. 1306, Page 130, Section 105.935, Line 14, by inserting immediately after said line the following:

“169.560. **1.** Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employing school district does not utilize a salary schedule, or if the position in question is not subject to the employing district's salary schedule, a retiree employed in accordance with the provisions of this [section] **subsection** may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position in the employing school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If

such a person is employed in any capacity by such a district on a regular, full-time basis, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed and shall contribute to the retirement system.

2. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in a district included in the retirement system created by those sections in a certified staff position paid on the regular teachers' salary schedule on either a part-time or temporary-substitute basis for more than five hundred fifty hours but not to exceed a total of eight hundred hours in any one school year, and through such employment may earn up to seventy-five percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed seventy-five percent of the annual compensation payable for the position in the employing school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the seventy-five-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system because of earnings during such period of employment, and the district shall contribute to the retirement system on the basis of such earnings at the percentage rate established

pursuant to this chapter for full-time employees of the retirement system. Such a person shall not accrue service credit upon the basis of employment authorized pursuant to this subsection. If such a person is employed in any capacity by such a district on a regular, full-time basis, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed and shall contribute to the retirement system.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Koster offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, Page 80, Section 104.620, Line 9 of said page, by inserting after all of said line the following:

“104.800. 1. [Except as otherwise provided by law] **Notwithstanding any other provision of law to the contrary, on or after August 28, 2006**, any person having earned creditable **or credited** service pursuant to the provisions of **section 104.010 or section 104.1003** of the state employees' retirement system or pursuant to the provisions of the state transportation department employees' and highway patrol retirement system or having service as a statewide state elective officer or having service as a member of the general assembly or having service pursuant to the provisions of sections 287.812 to 287.855, RSMo, or having service as a judge, as defined in section 476.515, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to or from any other retirement system or type of service specified in this section or sections 56.800 to 56.840, RSMo, for which the person has

accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service. Any person who has transferred service pursuant to this subsection prior to August 28, 2002, and who is an employee covered by a retirement plan described in this subsection after that date, may elect to make an additional transfer of service prior to retirement if additional service would otherwise be available to be transferred except for the forfeiture of that service after the previous transfer. In no event shall the amount of service that a person shall be entitled to transfer pursuant to the provisions of this section exceed eight years.

2. In the event of the death of a member before retirement and prior to exercising transfer rights pursuant to the provisions of this section, survivorship benefits shall be computed as if such person had in fact exercised or not exercised the person's transfer rights to produce the most advantageous benefit possible.

3. Any person that has earned creditable service pursuant to the provisions governing the Missouri state employees' retirement system or pursuant to the provisions of chapter 287, RSMo,

or chapter 476, RSMo, who terminated employment prior to August 13, 1986, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall be eligible, prior to retirement, to make a one-time transfer of creditable service as provided in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Green offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, Page 118, Section 104.1095, Line 6, by striking the words “benefit increase”, and inserting in lieu thereof the words “**increase or decrease in pension benefits**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 1306**, as amended, be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 1306**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 1306**, as amended, to the

Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SCS for SB 1250, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1250

An Act to repeal sections 172.360, 174.130, 178.635, 178.780, and 285.025, RSMo, and to enact in lieu thereof twelve new sections relating to illegal aliens.

Was taken up by Senator Alter.

On motion of Senator Alter, **SCS for SB 1250** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Bray	Dougherty	Graham—3
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Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Alter, title to the bill was agreed to.

Senator Alter moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 1339, entitled:

An Act to repeal sections 339.010, 339.040, and 339.100, RSMo, and to enact in lieu thereof three new sections relating to real estate brokers.

Was called from the Informal Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HCS for HB 1339** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Goodman moved that **SB 981**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Goodman moved that **HCS for SB 981** be adopted.

At the request of Senator Goodman, the above motion was withdrawn which placed the bill back on the calendar.

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 1001, 896 and 761**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Scott moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 932** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 1031 and 846**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 837**, entitled:

An Act to repeal sections 376.961, 379.860, and 383.175, RSMo, and to enact in lieu thereof three new sections relating to insurance board membership.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HBs 1270 and 1027** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

HOUSE BILLS ON THIRD READING

HCS for **HB 978**, with **SCS**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto four new sections relating to the Vietnam War medallion program.

Was called from the Informal Calendar and taken up by Senator Goodman.

SCS for **HCS** for **HB 978**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 978

An Act to amend chapter 42, RSMo, by adding thereto four new sections relating to the Vietnam War medallion program.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 978** be adopted.

At the request of Senator Goodman, **HCS** for **HB 978**, with **SCS** (pending), was placed on the Informal Calendar.

HCS for **HB 1456**, with **SCS**, entitled:

An Act to repeal sections 288.030, 288.032, 288.035, 288.036, 288.038, 288.040, 288.045, 288.050, 288.060, 288.120, 288.121, 288.122, 288.128, 288.175, 288.190, 288.310, 288.330,

288.380, 288.381, and 288.500, RSMo, and to enact in lieu thereof twenty-two new sections relating to employment, with penalty provisions and an effective date.

Was called from the Informal Calendar and taken up by Senator Ridgeway.

SCS for HCS for HB 1456, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1456**

An Act to repeal sections 288.030, 288.032, 288.035, 288.036, 288.038, 288.040, 288.045, 288.050, 288.060, 288.120, 288.121, 288.122, 288.128, 288.175, 288.190, 288.330, 288.380, 288.381, and 288.500, RSMo, and to enact in lieu thereof twenty-one new sections relating to employment, with penalty provisions and an effective date.

Was taken up.

Senator Ridgeway moved that **SCS for HCS for HB 1456** be adopted.

Senator Ridgeway offered **SS for SCS for HCS for HB 1456**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1456**

An Act to repeal sections 288.030, 288.032, 288.035, 288.036, 288.038, 288.040, 288.045, 288.050, 288.060, 288.120, 288.121, 288.122, 288.128, 288.175, 288.190, 288.330, 288.380, 288.381, and 288.500, RSMo, and to enact in lieu thereof twenty-one new sections relating to employment security, with penalty provisions and an effective date.

Senator Ridgeway moved that **SS for SCS for HCS for HB 1456** be adopted.

President Kinder assumed the Chair.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 29, Section 288.040, Line 21, by inserting immediately after said line the following:

“288.042. 1. For purposes of this chapter, a “war on terror veteran” is a person who serves or has served in the military and to whom the following criteria apply:

(1) The person is or was a member of the national guard or a member of a United States armed forces reserves unit;

(2) The person was deployed as part of his or her military unit at any time after September 11, 2001, and such deployment caused the person to be unable to continue working for his or her employer;

(3) The person was employed either part time or full time before deployment; and

(4) The person was unemployed in his or her non-military employment either during or within thirty days after the completion of his or her deployment.

2. Notwithstanding any provisions of sections 288.010 to 288.500, any war on terror veteran shall be entitled to receive unemployment compensation benefits under this chapter. A war on terror veteran shall be entitled to a maximum weekly benefit of eight percent of the wages paid to the war on terror veteran during that quarter during which the war on terror veteran earned the highest amount within the five quarters during which the war on terror veteran received wages before deployment. The maximum amount of a maximum weekly benefit shall be one thousand one hundred fifty-three dollars and sixty-four cents, annually adjusted by the consumer price index.

3. A war on terror veteran shall be entitled to a maximum weekly benefit for twenty-six

weeks.

4. Any employer who is found in any Missouri court or United States district court located in Missouri to have terminated, demoted, or taken an adverse employment action against a war on terror veteran due to his or her absence while deployed shall be subject to an administrative penalty as determined by the director of the Missouri division of employment security in such amount as to provide funding for this section, but in no event shall the administrative penalty exceed one hundred thousand dollars. The director shall take judicial notice of judgments in suits brought under the Uniformed Service Employment and Reemployment Rights Act (38 U.S.C. 4301). Such judgments may be considered to have a res judicata effect on the director's determination.

5. A war on terror veteran shall not be considered to have voluntarily quit his or her employment if he or she is not offered the same wages, benefits, and similar work schedule upon his or her return after deployment.

6. There is hereby created in the state treasury the “War on Terror Unemployment Compensation Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with section 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and money earned on such investments shall be credited to the fund.

7. The division of employment security may

promulgate rules to enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Ridgeway, **HCS for HB 1456**, with **SCS, SS for SCS and SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 2895, regarding Norma Bishop, Bolivar, which was adopted.

Senator Scott offered Senate Resolution No. 2896, regarding Dr. Kenneth Wilson, which was adopted.

Senator Scott offered Senate Resolution No. 2897, regarding Sue Ash, which was adopted.

Senator Scott offered Senate Resolution No. 2898, regarding Sandra Gilkey, which was adopted.

Senator Alter offered Senate Resolution No. 2899, regarding Tom Maple, Arnold, which was adopted.

Senator Alter offered Senate Resolution No. 2900, regarding Dr. Michael J. Barks, which was adopted.

Senator Engler offered Senate Resolution No. 2901, regarding Susan Taylor, which was adopted.

Senator Engler offered Senate Resolution No. 2902, regarding Charlotte Brower, which was adopted.

Senator Engler offered Senate Resolution No. 2903, regarding Barbara A. Hill Schwent, which was adopted.

Senator Engler offered Senate Resolution No. 2904, regarding Sally Ann Slover, which was adopted.

Senator Engler offered Senate Resolution No. 2905, regarding James DeWayne Pobst, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, teachers, parents and one hundred students representing Missouri Service Day from Ferguson-Florissant School District, Airport Elementary School and Griffith Elementary School, St. Louis.

Senator Nodler introduced to the Senate, Andrea Buening, Arpie Vermillion, Harvey Partain, Mike Altman and Ann Lansdowne, Seneca.

Senator Champion introduced to the Senate, Lynn Vogel, parents and thirty eighth grade students from St. Agnes School, Springfield.

Senator Wheeler introduced to the Senate, Dana and Keith Cutler, their children, Keith, Austin and James, and Billie and James Tippin, Kansas City; and Keith, Austin and James were made honorary pages.

Senator Ridgeway introduced to the Senate, Dr. Jean Hausheer, her husband Jim, her son Sam and her mother Peggy, Clay County.

Senator Koster introduced to the Senate, John and Kathy Miller and their children, John, Dan and Emily, St. Louis.

Senator Shields introduced to the Senate, Staff Sergeant Charles McGrail, his children, Cayla Jo and Sean Robert Charles, his parents, Charles and Mary Ann, his brothers Tim and Matt, his sister Marilue Hemmel, his sister and brother-in-law Lee Ann and Allen Braun and Joe Bosch.

Senator Graham introduced to the Senate, Stacy Morse, Chesterfield.

Senator Bray introduced to the Senate, Paula Hertel and twenty-two fourth grade students from Reform Jewish Academy, St. Louis.

Senator Scott introduced to the Senate, Keith Riesberg, Elaine Horn, Arlene Silvey and Bob Wasso, Sedalia.

Senator Purgason introduced to the Senate, Anita Parrett and members of Missouri Main Street Connections.

Senator Purgason introduced to the Senate, students from the former Soviet Union.

Senator Coleman introduced to the Senate, Sarah Schappe and her son, Thomas, Columbia; and Thomas was made an honorary page.

Senator Shields introduced to the Senate, a group of eighth grade students from Truman Middle School, St. Joseph.

Senator Engler introduced to the Senate, Father Rickey J. Valleroy and "Yesterday's Kids" from St. Joseph Parish, Farmington.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SECOND DAY—THURSDAY, APRIL 27, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

THIRD READING OF SENATE BILLS

SCS for SBs 1031 & 846-Klindt

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1742, with SCS (Shields)

HCS for HB 1021 (Gross)

HCS for HB 1532, with SCS (Griesheimer)

HB 1865-Bearden, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS
for SCS (pending)

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS & SA 3
(pending)

SB 642-Scott

SB 655-Nodler, with SCS

SBs 665 & 757-Engler, with SCS & SA 1
(pending)

SB 687-Scott and Bartle, with SCS

SB 736-Crowell and Cauthorn, with SCS

SB 759-Engler

SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending)

SB 817-Scott, et al

SB 841-Ridgeway, et al, with SCS

SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)

SB 862-Engler, with SCS

SB 998-Champion, with SCS

SB 1009-Klindt, with SS (pending)

SB 1038-Mayer
 SB 1049-Shields, with SCS
 SB 1092-Klindt, with SCS
 SB 1104-Cauthorn and Klindt, with SCS

SB 1114-Goodman & Loudon, with SCS
 SB 1188-Gibbons
 SB 1217-Goodman
 SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (pending)
 (Goodman)
 SS for SCS for HCS for HB 1306 (Crowell)
 (In Fiscal Oversight)

HCS for HB 1456, with SCS, SS for SCS &
 SA 1 (pending) (Ridgeway)
 HB 1623-St. Onge, et al (Stouffer)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)
 HB 1858-Lipke (Goodman)
 HCS for HBs 1617 & 1374 (Stouffer)
 HCS for HB 1053 (Wheeler)
 HCS#2 for HB 1703 (Bartle)
 HB 1857-Lipke (Goodman)
 HCS for HB 1343 (Cauthorn)
 HB 1204-Roorda, et al (Alter)
 HB 1427-Johnson (90), et al (Kennedy)
 HB 1169-Cooper (120) (Scott)
 HCS for HB 1759 (Clemens)

HCS for HB 1739 (Bartle)
 HCS for HB 1244 (Engler)
 HCS for HB 1551 (Engler)
 HB 1601-Weter, et al, with SCS
 (Dougherty)
 HB 1687-Wright (137), et al, with SCA 1
 (Champion)
 HB 1222-Cooper (158) (Scott)
 HB 1491-Walton, et al (Days)
 HB 1437-Threlkeld, with SCS (Bartle)
 HCS for HB 1515 (Koster)

HCS for HB 1787, with SCS (Mayer)	HB 1393-Behnen, et al (Goodman)
HCS for HB 1344 (Coleman)	HB 983-Meadows, et al (Alter)
HCS for HB 1552 (Wilson)	HB 984-Meadows, et al (Alter)
HCS for HB 1138 (Ridgeway)	HB 1715-Pratt (Bartle)
HCS for HB 1256 (Days)	HB 998-Smith (118) (Scott)
HCS for HB 1762, with SCS (Scott)	HCS for HB 1135 (Stouffer)
HCS for HBs 1382 & 1158, with SCS (Ridgeway)	HCS for HB 1710 (Gibbons)
HB 1488-Roorda, et al (Kennedy)	HCS for HB 1333 (Mayer)
HCS for HB 1180 (Bray)	HCS for HB 1366 (Engler)
HB 1234-Loehner, et al (Clemens)	HB 1424-Franz (Purgason)
HB 1245-Sater, et al (Shields)	HCS for HB 1711 (Gibbons)
HCS for HB 1449, with SCS (Mayer)	HB 1707-Dusenbergh, et al, with SCS (Bartle)
HCS for HB 1511, with SCS (Shields)	HB 1509-Bruns and Wildberger, with SCS (Vogel)
HB 1732-Fraser, et al (Days)	HCS for HB 977, with SCS (Engler)
HB 1494-Emery, et al (Scott)	

Reported 4/13

HB 1088-Schaaf, et al (Scott)	HB 1722-Sutherland, et al (Mayer)
HCS for HB 1037 (Klindt)	HB 1833-Wood, et al (Goodman)
HCS for HB 1440, with SCS (Ridgeway)	HB 1988-Wagner, et al (Barnitz)
HB 1144-May, et al (Clemens)	HB 1466-Daus (Coleman)
HB 1577-Pollock, et al (Clemens)	

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 765-Dougherty, with HCS	SB 837-Loudon and Klindt, with HCS
SB 809-Graham, with HCS	SB 981-Goodman, et al, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HB 1001-Icet, with SCS (Gross)	HCS for HB 1005, with SCS (Gross)
HCS for HB 1002, with SCS (Gross)	HCS for HB 1006, with SCS (Gross)
HCS for HB 1003, with SCS (Gross)	HCS for HB 1007, with SCS (Gross)
HCS for HB 1004, with SCS (Gross)	HB 1008-Icet, with SCS (Gross)

HB 1009-Icet, with SCS (Gross)
HCS for HB 1010, with SCS (Gross)
HCS for HB 1011, with SCS (Gross)

HCS for HB 1012, with SCS (Gross)
HB 1013-Icet, with SCS (Gross)

Requests to Recede or Grant Conference

SCS for SB 932-Scott, with HCS
(Senate requests House recede
or grant conference)

SCS for SBs 1001, 896 & 761-Griesheimer,
with HCS, as amended
(Senate requests House recede
or grant conference)

HCS for HBs 1270 & 1027, with SCS, as
amended (Cauthorn)
(House requests Senate recede
or grant conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

To be Referred

HCR 41-Sutherland

MISCELLANEOUS

REMONSTRANCE 1-Gross

✓

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY—THURSDAY, APRIL 27, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"...I want you to be wise in what is good and guileless in what is evil." (Romans 16:9b)

Merciful God, You have created us a little lower than the angels and taught us of how important it is for us to know what is good and seek to understand that better. We know the evil that exists and temptations that would lure us away from Your pathways. So help us to be wise in the ways that are good and practice them daily and help us to know little of that which is evil except to avoid it. And be with us as we return to loved ones who surely miss us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

REFERRALS

President Pro Tem Gibbons referred **HB 1865**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2906, regarding the 2005-2006 Class 4 State Champion Saint Francis Borgia High School boys basketball program, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2907, regarding J & W Cycles, Washington, which was adopted.

Senator Champion offered Senate Resolution No. 2908, regarding Kirk Elmquist, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2909, regarding Matt Gifford, Springfield, which was adopted.

Senator Goodman offered Senate Resolution No. 2910, regarding Jonathan Allen Russell, which was adopted.

Senator Goodman offered Senate Resolution No. 2911, regarding Kayla Jo Crider, which was adopted.

Senator Goodman offered Senate Resolution No. 2912, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Berning, Exeter, which was adopted.

Senator Goodman offered Senate Resolution No. 2913, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Allen, Monett, which was adopted.

Senator Bartle offered Senate Resolution No. 2914, regarding Toni Horne, which was adopted.

Senator Gross offered Senate Resolution No. 2915, regarding Susan Berthold, which was adopted.

Senator Gross offered Senate Resolution No. 2916, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Ogden, St. Charles, which was adopted.

Senator Scott offered Senate Resolution No. 2917, regarding Janice Breshears, Halfway, which was adopted.

Senator Days offered Senate Resolution No. 2918, regarding the Ninetieth Birthday of Edna Edwards Pritchett, St. Louis, which was adopted.

On motion of Senator Shields, the Senate recessed until 10:45 a.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee

on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 1865**, with **SCS** and **SS** for **SCS** for **HCS** for **HB 1306**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 666**, entitled:

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

With House Amendments 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, Section 320.336, Page 3, Line 3 by deleting the word “**or**” in the third instance; and

Further amend said Section, said Page, Line 4 by inserting immediately after the word “**firefighter**” the following:

“, **Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team**”; and

Further amend said Section, said Page, Line 6 by inserting immediately after the word “**firefighter**” in the first instance the following:

“, **a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team**”; and

Further amend said Line by inserting immediately

after the word **“firefighter”** in the second instance the following:

“a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team”; and

Further amend said Section, said Page, Line 10 by inserting immediately after the word **“firefighter”** the following:

“, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team”; and

Further amend said Section, said Page, Line 12 by inserting immediately after the word **“firefighter”** the following:

“, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or a member of Urban Search and Rescue Team”; and

Further amend said Section, said Page, Line 13 by inserting immediately after the word **“firefighter”** the following:

“, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team”; and

Further amend said Section, said Page, Line 15 by inserting immediately after the word **“firefighter”** the following:

“a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team”; and

Further amend said Section, said Page, Line 17 by inserting immediately after the word **“department”** the following:

“or the commander of Missouri-1 Disaster Medical Assistance Team”; and

Further amend said Section, said Page, Line 19 by inserting immediately after the word **“firefighter”**

the following:

“, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team”; and

Further amend said Section, said Page, Line 21 by inserting immediately after the word **“firefighter”** the following:

“, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One or Urban Search and Rescue Team”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, Page 4, Section 320.339, Line 8, by inserting after all of said line the following:

“537.135. 1. For the purposes of this section, “emergency personnel” means a firefighter, peace officer, or emergency medical personnel.

2. In addition to any other right of action or recovery otherwise available under law, any emergency personnel who suffers any injury, disease, or death while in the lawful discharge of his or her official duties, caused directly by another's reckless, malicious, or negligent act, may seek recovery and damages from such other person.

3. The provisions of this section shall not apply to the acts or omissions of such emergency personnel's employer or co-employees, as provided for under Missouri workers' compensation law, nor shall this section in any other way alter or amend Missouri workers' compensation law.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, Page 2, Section 320.200, Line 24, by inserting after said line the following:

“320.201 No public or private employer may terminate an employee who is a firefighter and a member as defined in section 87.120 with seven or more years of service if such member resides outside of the boundaries of any school district that has been designated as unaccredited for at least one year or provisionally accredited for four or more consecutive years in any ten year period.”

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, Section A, Page 1, Line 3 by inserting immediately after all of said line the following:

“135.610. 1. For all tax years beginning on or after January 1, 2006, any taxpayer who is a volunteer firefighter in this state shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. The credit authorized in this section shall be claimed as follows:

(1) The taxpayer may claim a credit in the amount of one hundred eighty dollars in the first tax year the taxpayer claims the credit if the taxpayer has completed at least twelve hours of any firefighter training program approved by the office of the state fire marshal before or in the tax year for which the credit is claimed. The taxpayer may claim the credit authorized in this subdivision in each subsequent tax year if the taxpayer completes at least twelve hours of any firefighter training program approved by the office of the state fire marshal in such subsequent tax year;

(2) After the initial tax credit is claimed

under subdivision (1) of this subsection and the taxpayer has completed at least thirty hours of any firefighter training program approved by the office of the state fire marshal, the taxpayer may claim a credit in the amount of three hundred sixty dollars in each tax year if the taxpayer has completed at least twelve hours of firefighter training program approved by the office of the state fire marshal in the tax year the taxpayer claims the credit under this subdivision and has within the previous five years received at least twelve hours of training, to include but not limited to the following areas:

- (a) Hazardous materials;**
- (b) Incident management systems; and**
- (c) Weapons of mass destruction.**

3. The state fire marshal may develop or approve existing training programs for volunteer firefighters, may establish procedures for providing documentation that the taxpayer is a volunteer firefighter in good standing with a registered fire department, as required in chapter 320, RSMo, and has completed the training requirements in this section, and may promulgate rules to implement the provisions of this section.

4. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. If the amount of the tax credit exceeds the taxpayer's tax liability, the difference shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

5. The director of revenue shall establish the procedure by which the tax credit in this section may be claimed, and shall promulgate rules to implement the provisions of this section.

6. Any rule or portion of a rule, as that

term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

7. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; And

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 27, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas G. Heinsz, 2711 Fairway Estates Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2011, and until his successor is duly appointed and qualified; vice, Larry Sachse.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nimrod T. Chapel Jr., 435 Gladstone Boulevard , Kansas City, Jackson County, Missouri 64124, as the Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Thomas A. Deuschle.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rebecca R. Steele, 1516 Maple Street, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until her successor is duly appointed and qualified; vice, 191.980,

RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark E. Skrade, Psy.D., 4672 South Farm Road 193, Rogersville, Greene County, Missouri 65742, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2007, and until his successor is duly appointed and qualified; vice, 191.980, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael D. McCuniff, D.D.S., 1105 Northeast Trailwood, Lee's Summit, Jackson County, Missouri 64086, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until his successor is duly appointed and qualified; vice, 191.980, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment:

Christopher A. Gordon, 1024 Forest Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2006, and until his successor is duly appointed and qualified; vice, Nicola Longford, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David E. Richards, 2124 East Mac's Court, Apartment 4, Springfield, Greene County, Missouri 65804, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John S. Korte, 1367 South Pecos Avenue, Columbia, Boone County, Missouri 65201, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2008, and until his successor is duly appointed and qualified; vice, Linda Bohrer, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ben D. Chlapek, 1800 Dunwich Court, Liberty, Clay County, Missouri 64068, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, James D. McKenzie, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Betty P. Council, 11885 Maries Road 302, Vienna, Maries County, Missouri 65582, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2008, and until her successor is duly appointed and qualified; vice, Betty Council, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jessica L. Melching, 1144 Great Falls Court, Manchester,

Saint Louis County, Missouri 63021, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, Lori Schutte, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory A. Pottberg, 18604 Concord Circle, Independence, Jackson County, Missouri 64058, as a member of Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Neil Svetanics, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 41—Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SCS for SBs 1031 and 846, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1031 and 846**

An Act to amend chapter 386, RSMo, by

adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS** for **SBs 1031** and **846** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Bartle Wheeler—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Graham moved that **SB 809**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 809**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 809

An Act to repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

Was taken up.

Senator Graham moved that **HCS** for **SB 809** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Graham, **HCS** for **SB 809** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Graham, title to the bill was agreed to.

Senator Graham moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Cauthorn moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 1270 and 1027**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Gross requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS** for **HB 1001**; **SCS** for **HCS** for **HB 1002**; **SCS** for **HCS** for **HB 1003**; **SCS** for **HCS** for **HB 1004**; **SCS** for **HCS** for **HB 1005**; **SCS** for **HCS** for **HB 1006**; **SCS** for **HCS** for **HB 1007**; **SCS** for **HB 1008**; **SCS** for **HB 1009**; **SCS** for **HCS** for **HB 1010**; **SCS** for **HCS** for **HB 1011**; **SCS** for **HCS** for **HB 1012**; and **SCS** for **HB 1013**, to meet while the Senate is in session, which request was granted.

PRIVILEGED MOTIONS

Senator Dougherty moved that **SCS** for **SB 765**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 765**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 765

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment, with an emergency clause.

Was taken up.

Senator Dougherty moved that **HCS** for **SCS** for **SB 765** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Dougherty, **HCS** for **SCS** for **SB 765** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Loudon moved that **SB 837**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 837, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 837

An Act to repeal sections 376.961, 379.860, and 383.175, RSMo, and to enact in lieu thereof three new sections relating to insurance board membership.

Was taken up.

Senator Loudon moved that **HCS for SB 837** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Loudon, **HCS** for **SB 837** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goodman moved that **SB 981**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 981**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 981

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the highway patrol.

Was taken up.

Senator Goodman moved that **HCS** for **SB 981** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green Gross—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Goodman, **HCS** for **SB 981** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

At the request of Senator Shields, **HCS** for **HB 1742**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1021** was placed on the Informal Calendar.

HCS for **HB 1532**, with **SCS**, was placed on the Informal Calendar.

HB 1865, with **SCS**, introduced by Representative Bearden, et al, entitled:

An Act to repeal sections 173.215, 173.220, and 173.820, RSMo, and to enact in lieu thereof eleven new sections relating to higher education.

Was taken up by Senator Shields.

SCS for **HB 1865**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1865

An Act to repeal sections 173.215, 173.220, and 173.820, RSMo, and to enact in lieu thereof four new sections relating to higher education.

Was taken up.

Senator Shields moved that **SCS** for **HB 1865** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1865, Page 1, In the Title, Line 3, by inserting immediately after the word “education” the following: “, with an effective date and with a termination date for a certain section”; and

Further amend said bill, page 1, section 173.195, line 1, by striking the words “Beginning on July 1, 2007,”; and

Further amend said section, page 3, line 63, by inserting after all of said line the following:

“7. The joint committee on education, as established in section 160.254, RSMo, shall study options for making the state-need-based scholarship programs more efficient and effective by combining such programs.

8. The provisions of this section shall terminate on June 30, 2009.”; and

Further amend said bill, page 6, section 173.820, line 78, by inserting after all of said line the following:

“Section B. The provisions of section A of this act shall become effective July 1, 2007.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Crowell assumed the Chair.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1865, Page 6, Section 173.820, Line 78, by inserting after all of said line, the

following:

“Section 1. The joint committee on education, as established in section 160.254, RSMo, shall study the feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, RSMo, in all state-based financial aid programs.”; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SCS** for **HB 1865**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **HB 1865**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Barnitz	Bartle	Green	Purgason—4
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Absent—Senators

Dougherty	Wheeler—2
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Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Andrea D. Buening and Timothy E. Imhoff, as members of the Missouri Head Injury Council;

Also,

Margaret “Peggy” Krokstrom, as a member of the Children’s Trust Fund Board;

Also,

Jean R. Hausheer, M.D., Democrat, as a member of the State Board of Registration for the Healing Arts;

Also,

Aaron S. Baker, as the student representative and James W. Loch, Democrat, as a member of the Northwest Missouri State University Board of Regents;

Also,

Dana T. Cutler, Republican, as a member of Lincoln University Board of Curators;

Also,

Barbara K. Tiedt, Republican, as a member of the State Lottery Commission;

Also,

Eileen M. McCann, Democrat, as Secretary and member of the Board of Election Commissioners for Saint Louis City;

Also,

John J. McNerney, as a member of the Elevator Safety Board;

Also,

Deron L. Cherry, Republican, as a member of State Environmental Improvement and Energy Resources Authority;

Also,

Theresa Jan Finn and Lisa G. Britt, as members of the Organ Donation Advisory Committee;

Also,

Emily S. Kiddoo, as student representative of Truman State University Board of Governors;

Also,

Jeffrey N. Davis, Republican, as a member and chair of the Public Service Commission;

Also,

Barbara L. Wolken, Democrat, as a member of the Missouri Community Service Commission;

Also,

Sandra J. Jones, as a member of the Missouri Women’s Council;

Also,

William A. Easley, Republican, as a member of the Clean Water Commission;

Also,

Tammy L. Brown, Republican, as a member and chair of the Jackson County Board of Election Commissioners.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

On behalf of Senator Gross, Chairman of the Committee on Appropriations, Senator Shields submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1022**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 1827**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 1632**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 1149**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1411**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1145, 1359** and **1121** begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1302**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HJR 28**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1521**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, Senator Shields submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 1367**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1936**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 1446**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Nodler, Chairman of the Committee on Education, Senator Shields submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1275**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1944**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1105**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1380**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 614**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

With House Amendment 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 614, Section 135.1142, Page 1, Line 1 by inserting before said line the following:

“135.550. 1. As used in this section, the following terms shall mean:

(1) “Contribution”, a donation of cash, stock, bonds or other marketable securities, or real

property;

(2) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax

liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of [public safety] **the department of social services** shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of [public safety] **the department of social services** may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of [public safety] **the department of social services** shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of [public safety] **the department of social services** shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. Shelters for victims of domestic violence shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million

dollars.

7. The director of [public safety] **the department of social services** shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of [public safety] **the department of social services**, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of [public safety] **the department of social services**, of its apportioned tax credits during this predetermined period of time, the director of [public safety] **the department of social services** may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of [public safety] **the department of social services**, of their apportioned tax credits during this predetermined period of time. The director of [public safety] **the department of social services** may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of [public safety] **the department of social services** shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 1001, 896 and 761**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 932** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1075**, entitled:

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to school course materials.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1423**, entitled:

An Act to repeal sections 376.309 and 409.1-102, RSMo, and to enact in lieu thereof two new sections relating to securities regulation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1036**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to

captioning of electronic video instructional materials.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1347**, entitled:

An Act to repeal section 170.011, RSMo, and to enact in lieu thereof one new section relating to course requirements at state institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1137**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto ten new sections relating to alternative fuel and alternative fuel vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1536**, entitled:

An Act to repeal sections 701.304, 701.317, and 701.337, RSMo, and to enact in lieu thereof three new sections relating to lead abatement and prevention of lead poisoning.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1885**, entitled:

An Act to repeal sections 339.507, 339.509, 339.513, 339.519, 339.521, 339.525, and 339.532, RSMo, and to enact in lieu thereof seven new sections relating to real estate appraisers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1082**, entitled:

An Act to repeal sections 430.225 and 430.235, RSMo, and to enact in lieu thereof two new sections relating to health care liens.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 932**: Senators Scott, Griesheimer, Purgason, Callahan and Days.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 1001, 896 and 761**, as amended: Senators Griesheimer, Stouffer, Alter, Days and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HBs 1270 and 1027**, as amended: Senators

Cauthorn, Klindt, Shields, Green and Barnitz.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of John P. King to the Missouri Ethics Commission, submitted on April 20, 2006. Line 3 and 4 should be amended as follows:

“Commission, for a term ending March 15, 2010; vice, Mariann Tow, term expired.”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 24, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Brad G. Mitchell to the Missouri Ethics Commission, submitted on April 20, 2006. Line 3 and 4 should be amended as follows:

“Commission, for a term ending March 15, 2010; vice, Pier Patterson, term expired.”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 25, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Ann R. Bannes to the State Board of Senior Services, submitted on April 20, 2006. Line 4 should be amended as follows:

“qualified; vice, Melinda Clark.”

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Terry M. Jarrett, 2708 Kenwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Administrative Hearing Commission, for a term ending April 15, 2012, and until his successor is duly appointed and qualified; vice, Karen Winn, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above addendums and appointment to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2919, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Troy Patton, which was adopted.

Senator Crowell offered Senate Resolution No. 2920, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond C. Seyer, which was adopted.

Senator Goodman offered Senate Resolution No. 2921, regarding Megan Pittman, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Hannah Reinhart, Parkville; and Hannah was made an honorary page.

Senator Shields introduced to the Senate, Brad Culver and his son, Spencer, Platte County; and Spencer was made an honorary page.

Senator Goodman introduced to the Senate, Cindi Boston, Springfield; Lorraine Barnett, Columbia; and Chris Robinson, Lebanon.

Senator Goodman introduced to the Senate, Theresa Christian, Michele and Hilary Vanater, Aaron Conway, Ryan Newkirk, Corey Howell, Shawnya Wethington, Dean Ross, Tristan Roberts and Michael Palmquist, Mt. Vernon.

Senator Green introduced to the Senate, Principal Bill Heckel, Jeanne Nyberg, Dawn Probst, Rebecca Byers, adults and sixty-five fourth grade students from Brown Elementary School, Florissant.

Senator Koster introduced to the Senate, Carter Whilhite, Raymore; and Carter was made an honorary page.

Senator Purgason introduced to the Senate, Ruth Holmes and seventh grade students from Richards School, West Plains.

Senator Gross introduced to the Senate, adults and sixty seventh grade students from Zion Lutheran Elementary School, St. Charles.

Senator Wheeler introduced to the Senate, former State Representative Jan Martinette and her grandsons, Haylen Mead and Devin Rose, Gladstone; and Haylen and Devin were made honorary pages.

Senator Bartle introduced to the Senate, Todd and Tracy Graves and their children, Katie, Hank, Joe and Ben, Kansas City.

Senator Engler introduced to the Senate, students from Sunrise School, De Soto.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, May 1, 2006.

SENATE CALENDAR

SIXTY-THIRD DAY—MONDAY, MAY 1, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1075
HB 1423-Page, et al
HCS for HB 1036
HCS for HB 1347

HCS for HB 1137
HB 1536-Schaaf, et al
HB 1885-Behnen
HCS for HB 1082

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HB 1022, with SCS (Gross) | 11. HCS for HB 1367, with SCS |
| 2. HB 1827-Wasson, et al (Goodman) | 12. HB 1936-Tilley, with SCS (Stouffer) |
| 3. HCS for HB 1632, with SCS | 13. HCS for HB 1026, with SCS |
| 4. HCS for HB 1149, with SCS#2 (Scott) | 14. HB 1446-Whorton, et al (Barnitz) |
| 5. HB 1411-Smith (150), et al, with SCS | 15. HCS for HB 1275 |
| 6. HCS for HBs 1145, 1359 & 1121 (Scott) | 16. HCS for HB 1944, with SCS (Koster) |
| 7. HB 1302-Cooper (155), et al | 17. HB 1105-Wilson (119), et al (Scott) |
| 8. HJR 28-Jackson (Ridgeway) | 18. HCS for HB 1380, with SCS |
| 9. HB 1521-Richard, et al | |
| 10. HCS for HBs 1030, 1033, 1146, 1225 & 1326, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 566-Dougherty, et al, with SCS & SS for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3 (pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1 (pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with SCS & SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| HCS for HB 978, with SCS (pending) (Goodman) | HCS for HB 1456, with SCS, SS for SCS & SA 1 (pending) (Ridgeway) |
| HCS for HB 1021 (Gross) | HCS for HB 1532, with SCS (Griesheimer) |
| SS for SCS for HCS for HB 1306 (Crowell) | HB 1623-St. Onge, et al (Stouffer) |
| | HCS for HB 1742, with SCS (Shields) |

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)
HB 1858-Lipke (Goodman)
HCS for HBs 1617 & 1374 (Stouffer)
HCS for HB 1053 (Wheeler)
HCS#2 for HB 1703 (Bartle)
HB 1857-Lipke (Goodman)
HCS for HB 1343 (Cauthorn)
HB 1204-Roorda, et al (Alter)
HB 1427-Johnson (90), et al (Kennedy)
HB 1169-Cooper (120) (Scott)
HCS for HB 1759 (Clemens)
HCS for HB 1739 (Bartle)
HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HB 1601-Weter, et al, with SCS (Dougherty)
HB 1687-Wright (137), et al, with SCA 1
(Champion)
HB 1222-Cooper (158) (Scott)
HB 1491-Walton, et al (Days)
HB 1437-Threlkeld, with SCS (Bartle)
HCS for HB 1515 (Koster)
HCS for HB 1787, with SCS (Mayer)
HCS for HB 1344 (Coleman)
HCS for HB 1552 (Wilson)

HCS for HB 1138 (Ridgeway)
HCS for HB 1256 (Days)
HCS for HB 1762, with SCS (Scott)
HCS for HBs 1382 & 1158, with SCS
(Ridgeway)
HB 1488-Roorda, et al (Kennedy)
HCS for HB 1180 (Bray)
HB 1234-Loehner, et al (Clemens)
HB 1245-Sater, et al (Shields)
HCS for HB 1449, with SCS (Mayer)
HCS for HB 1511, with SCS (Shields)
HB 1732-Fraser, et al (Days)
HB 1494-Emery, et al (Scott)
HB 1393-Behnen, et al (Goodman)
HB 983-Meadows, et al (Alter)
HB 984-Meadows, et al (Alter)
HB 1715-Pratt (Bartle)
HB 998-Smith (118) (Scott)
HCS for HB 1135 (Stouffer)
HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)
HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)
HCS for HB 1711 (Gibbons)

HB 1707-Dusenberg, et al, with SCS (Bartle)
HB 1509-Bruns and Wildberger, with SCS
(Vogel)

HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)
HCS for HB 1440, with SCS (Ridgeway)
HB 1144-May, et al (Clemens)
HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 614-Stouffer & Goodman,
with HCS, as amended

SCS for SB 666-Engler, with HCS, as
amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 932-Scott, with HCS
SCS for SBs 1001, 896 & 761-Griesheimer,
with HCS, as amended
HB 1001-Icet, with SCS (Gross)
HCS for HB 1002, with SCS (Gross)
HCS for HB 1003, with SCS (Gross)
HCS for HB 1004, with SCS (Gross)
HCS for HB 1005, with SCS (Gross)
HCS for HB 1006, with SCS (Gross)

HCS for HB 1007, with SCS (Gross)
HB 1008-Icet, with SCS (Gross)
HB 1009-Icet, with SCS (Gross)
HCS for HB 1010, with SCS (Gross)
HCS for HB 1011, with SCS (Gross)
HCS for HB 1012, with SCS (Gross)
HB 1013-Icet, with SCS (Gross)
HCS for HBs 1270 & 1027, with SCS,
as amended (Cauthorn)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY—MONDAY, MAY 1, 2006

The Senate met pursuant to adjournment.

Senator Mayer in the Chair.

Reverend Carl Gauck offered the following prayer:

"Know that the Lord does wonders for the faithful, when I call upon the Lord, he hears me." (Psalm 4:3)

Gracious Lord, as we call upon You this day we do so knowing that we have just two weeks before this session ends and much to do. So we pray for Your guidance and help to sustain us when we grow weary, to lift us up when we are dragging from working too many hours, and we desire You to point us in the direction we need to follow to complete what You would have us do. And we would ask that You put gladness in our hearts and lightness in our steps as we work our way through this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 27, 2006 was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 2922, regarding Clayton Holder, Lee's Summit, which was adopted.

Senator Bray offered Senate Resolution No. 2923, regarding Margret Nussbaum, Richmond Heights, which was adopted.

Senator Nodler offered Senate Resolution No. 2924, regarding Frances Trentham, which was adopted.

Senator Goodman offered Senate Resolution No. 2925, regarding Terri A. Winton, which was adopted.

Senator Goodman offered Senate Resolution No. 2926, regarding Melvin P. Casper, which was adopted.

Senator Goodman offered Senate Resolution No. 2927, regarding Ted Norris, which was adopted.

Senator Goodman offered Senate Resolution No. 2928, regarding Charles Stoddard, which was adopted.

Senator Goodman offered Senate Resolution No. 2929, regarding Martha P. Stoddard, which was adopted.

Senator Goodman offered Senate Resolution No. 2930, regarding Linda Lee Cudney, which was adopted.

Senator Goodman offered Senate Resolution No. 2931, regarding Richard Mettlach, which was adopted.

Senator Goodman offered Senate Resolution No. 2932, regarding Dianne Lynn Baum, which was adopted.

Senator Goodman offered Senate Resolution No. 2933, regarding Sonjia Leonardos, which was adopted.

Senator Goodman offered Senate Resolution No. 2934, regarding Judy E. Burton, which was adopted.

Senator Goodman offered Senate Resolution No. 2935, regarding Marianne Estes, which was adopted.

Senator Scott offered Senate Resolution No. 2936, regarding David C. Furnell, which was adopted.

Senator Callahan offered Senate Resolution No. 2937, regarding Honorable Ike Skelton, the recipient of the 2006 Harry S Truman Award for Public Service, which was adopted.

Senator Mayer offered Senate Resolution No. 2938, regarding the Ninetieth Birthday of Mildred Colleen Tucker Mooney, Dexter, which was adopted.

Senator Goodman offered Senate Resolution No. 2939, regarding Jeanne Marler, which was adopted.

Senator Goodman offered Senate Resolution No. 2940, regarding Linda Louise Hallam, which was adopted.

Senator Goodman offered Senate Resolution No. 2941, regarding Patricia Belinda Herndon, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1075—Judiciary and Civil and Criminal Jurisprudence.

HB 1423—Financial and Governmental Organizations and Elections.

HCS for HB 1036—Education.

HCS for HB 1347—Education.

HCS for HB 1137—Commerce, Energy and the Environment.

HB 1536—Aging, Families, Mental and Public Health.

HB 1885—Financial and Governmental Organizations and Elections.

HCS for HB 1082—Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HBs 1145, 1359 and 1121; HB 1302** and **HCS** for **HB 1275** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HBs 1270** and **1027**, as amended. Representatives: Behnen, Johnson (47), Myers, Rucker, Shoemyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1970**, entitled:

An Act to repeal sections 260.546 and 537.353, RSMo, and to enact in lieu thereof two new sections relating to mitigation of property damage or destruction.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1814**, entitled:

An Act to repeal section 1.028, RSMo, and to enact in lieu thereof one new section relating to the official state language.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCR 27**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 27

Relating to the Susan G. Komen Breast Cancer 3-Day Walk.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, the Susan G. Komen Breast Cancer 3-Day Walk in Kansas City is part of a nationwide series of sixty-mile walks that raise millions of dollars for the Susan G. Komen Breast Cancer Foundation and National Philanthropic Trust Breast Cancer Fund; and

Whereas, these foundations support cutting edge breast cancer research, prevention, and treatment programs; and

Whereas, one of the keys to the success of the 3-Day Walk is the 100 person all volunteer medical team to provide medical services for the participants; and

Whereas, the volunteer medical team includes physicians, nurses, physical therapists, chiropractors, and certified athletic trainers who treat a variety of medical conditions, such as blisters, musculoskeletal injuries, environmental stress, and medical illness throughout the event; and

Whereas, part of the challenge each year is recruiting medical volunteers for the event. Currently, medical volunteers must be licensed in the State of Missouri to participate; and

Whereas, other states have enacted legislation allowing medical professionals licensed and in good standing in other states to participate in the 3-Day Walk event; and

Whereas, granting a temporary waiver of the Missouri licensure requirements for an event such as the 3-Day Walk in Kansas City will allow event organizers to utilize medical professionals from both Missouri and Kansas to staff their 100 person volunteer medical team:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby permit any person appointed by the Susan G. Komen Breast Cancer 3-Day Walk in Kansas City to provide professional medical services to provide such services during the period of September 14, 2006, to September 17, 2006, if such person is licensed to practice and is in good standing in another state or territory; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1320**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott requested unanimous consent of the Senate to correct the Financial and Governmental Organizations and Elections Committee report for **HB 1411**, submitted on Thursday, April 27, 2006, by sending forward the correct **SCS**, which request was granted.

HOUSE BILLS ON THIRD READING

HCS for **HB 1022**, with **SCS**, entitled:

An Act to appropriate money for scholarships, planning, expenses, to transfer money among certain funds, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions for the fiscal period beginning July 1, 2006 and ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 1022**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1022

An Act to appropriate money for the expenses, grants, and distributions for several departments and offices of state government, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2006 and ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 1022** be adopted.

Senator Griesheimer assumed the Chair.

Senator Scott assumed the Chair.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 8, Section 22.210, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

“For maintenance and repair at community colleges, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds \$6,000,000

For community colleges, to be divided equally among the twelve institutions . . . \$12,000,000”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 5, Section 22.100, Lines 1-3, by striking said section from the bill; and

Further amend said bill and page, Section 22.105, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.110, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill, Page 6, Section 22.115, Lines 1 to 3, by striking said section from the bill; and

Further amend said bill and page, Section 22.120, Lines 1 to 3, by striking said section from the bill; and

Further amend said bill and page, Section 22.125, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.130, Lines 1 to 4, by striking said section from

the bill; and

Further amend said bill and page, Section 22.135, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.140, Lines 1 to 3, by striking said section from the bill; and

Further amend said bill and page, Section 22.145, Lines 1 to 3, by striking said section from the bill; and

Further amend said bill and page, Section 22.150, Lines 1 to 6, by striking said section from the bill; and

Further amend said bill, page 7, Section 22.155, Lines 1 to 3, by striking said section from the bill; and

Further amend said bill and page, Section 22.160, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.165, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.170, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.175, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.180, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.185, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.190, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill, Page 8, Section 22.195, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.200, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.205, Lines 1 to 4, by striking said section from the bill; and

Further amend said bill and page, Section 22.210, Lines 1 to 4, by striking said section from the bill; and inserting in lieu thereof the following:

“22.215. To the Tuition Reduction Fund created in section 173.446, RSMo.

From Lewis and Clark Discovery Fund . . \$327,161,000

173.446. 1. There is hereby created in the state treasury the “Tuition Reduction Fund”, which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The “Tuition Reduction Fund” shall be utilized to offset reductions in tuition or fees, or to compensate higher education institutions for not elevating tuition or fee rates. Each year, representatives from the various higher education institutions in this state shall present all relevant financial information to the appropriations committees of the senate and the house, delineating the amount of lost revenue that resulted in the reduction of tuition or fees or the amount of revenue that the institution would have gained with a proposed increase in

tuition or fees. The general assembly shall make appropriations from this fund as it deems appropriate to the various higher education institutions.

173.447. Notwithstanding any provision of the law to the contrary, beginning January 1, 2007, the governing boards of all higher education institutions in this state shall not approve any increase in tuition or fees for any academic year. The provisions of this section shall only apply in fiscal years when the fund balance in the “Tuition Reduction Fund”, as established in section 173.446, is greater than one hundred million dollars as of July first of the applicable year.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Gross raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Goodman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 3 by deleting the number “\$50,000,000” and inserting in lieu thereof the number “\$46,500,000”; and further amend said bill, page 8, section 22.205, line 4, by inserting immediately thereafter the following new section

“Section 22.206 to the University of Missouri

For the purpose of building an administrative and laboratory building for the Southwest Area Research Center.

From Lewis and Clark Fund \$3,500,000”.

Senator Goodman moved that the above

amendment be adopted.

Senator Crowell offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 2, by striking the number “\$46,500,000” and inserting in lieu thereof “\$45,500,000”; and further amend said page and line by inserting after said number, the following: “and further amend said bill, page 6, section 22.145, line 3, by striking the number “\$4,000,000” and inserting in lieu thereof “\$5,000,000”.

Senator Crowell moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Graham offered **SSA 1** for **SA 1 to SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 2, by striking the number “\$46,500,000” and inserting in lieu thereof “\$43,000,000” and

Further amend said page and line by inserting after said number, the following: “and further amend said bill, page 6, section 22.145, line 3 by striking the number “\$4,000,000” and inserting in lieu thereof “\$5,000,000”; and

Further amend said bill, section 22.160, page 7, line 4, by striking the number “\$85,029,000” and inserting in lieu thereof “\$87,529,000”.”

Senator Graham moved that the above substitute amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bartle, Crowell and

Ridgeway.

SSA 1 for SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Crowell	Days	Dougherty
Goodman	Graham	Kennedy	Stouffer
Wheeler	Wilson—14		

NAYS—Senators

Alter	Bartle	Cauthorn	Clemens
Engler	Gibbons	Green	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Vogel—19	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

SA 1 to SA 3 was again taken up.

Senator Crowell moved that the above amendment be adopted.

Senator Dougherty offered **SSA 2 for SA 1 to SA 3**:

**SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3**

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 2 by striking the number “\$46,500,000” and inserting in lieu thereof “\$0” and further amend said page and line by inserting after said number, the following:

“Section 22.036. To the Department of Higher Education

Funds are to be transferred out of the Lewis and Clark Discovery Fund, to the Student Grant Fund

From Lewis and Clark Discovery Fund.....\$23,250,000”

and further amend said bill by inserting immediately after said section the following;

“Section 22.037. To the Department of Higher Education

Funds are to be transferred out of the Lewis and Clark Discovery Fund, to the Missouri College Guarantee Fund

From Lewis and Clark Discovery Fund.....\$23,250,000”

Senator Dougherty moved that the above substitute amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Coleman, Days and Green.

Senator Nodler assumed the Chair.

SSA 2 for SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Kennedy	Wilson—8

NAYS—Senators

Alter	Bartle	Cauthorn	Clemens
Crowell	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

Absent—Senators

Champion Wheeler—2

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Gross, **HCS for HB 1022**, with **SCS, SA 3** and **SA 1 to SA 3** (pending) was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 778**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 773**, entitled:

An Act to repeal sections 30.800, 30.810, 30.820, 30.830, 30.840, 30.850, 144.030, 260.546, 261.035, 261.230, 261.235, 261.239, 265.200, 274.110, 348.015, 348.432, 414.365, 537.353, and 570.030, RSMo, and to enact in lieu thereof twenty-three new sections relating to agriculture, with penalty provisions.

With House Amendments Nos. 1, 2, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 773, page 25, section 620.1500, line 15, by deleting the word “and”; and

Further amend said bill, section, and page, line 17, by deleting said line and inserting in lieu thereof the following:

“biotechnology industry; and

(5) Apprising the governor of new developments in forestry technologies.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 773, Page 1, In the Title, Line 2, by inserting after

the section number “30.850,” the section number “144.031.”; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the words “twenty-three” and inserting in lieu thereof the words “twenty-four”; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the section number “30.850,” the section number “144.031.”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the words “twenty-three” and inserting in lieu thereof the words “twenty-four”; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the section number “30.850,” the section number “144.031.”; and

Further amend said bill, Page 2, Section 30.850, Line 4, by inserting after all of said line the following:

“142.031. 1. As used in this section the following terms shall mean:

(1) “Biodiesel”, fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) “**Missouri** qualified biodiesel producer”, a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and :

(a) At least fifty-one percent is owned by agricultural producers **who are residents of this state and who are** actively engaged in agricultural production for commercial purposes; **or**

(b) **At least eighty percent of the feedstock used by the facility originates in the state of Missouri. For purposes of this section, “feedstock” means a Missouri agriculture product as defined in section 348.400, RSMo.**

2. The “Missouri Qualified Biodiesel Producer

Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund provided that [fifty-one percent of the feedstock originates in the state of Missouri and that] one hundred percent of the feedstock originates in the United States. **However, the director may waive the feedstock requirements on a month-to-month basis if the facility provides verification that adequate feedstock is not available.** A Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producers during the sixty months fail, due to a lack of appropriations, to receive the full amount from the fund for which the producers were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which such producers were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty million gallons shall not be applied to the computation of a grant

pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri agricultural commodities used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall

become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

7. The provisions of this section shall expire on December 31, 2009. However, Missouri qualified biodiesel producers receiving any grants awarded prior to the expiration date of this section shall continue to be eligible for the remainder of the original sixty-month time period under the same terms and conditions of this section unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which he or she was eligible. In that case, such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 773, Section 144.054, Page 10, Line 14 by deleting the word “**meat**” and inserting in lieu thereof the phrase “**animal slaughtering**”; and

Further amend said page, Line 16 by inserting after the number “**322121**” the following: “**and 311611**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 773, Section 144.030, Page 10, Line 279 by inserting an open “[“ bracket before the period and a closing bracket and semi-colon “] ;” after said period on said line; and

Further amend said line by inserting after all of said line the following:

“(40) All sales of fencing materials used for agricultural purposes.”; And

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed HCS for **SB 980**, entitled:

An Act to repeal sections 335.212 and 335.233, RSMo, and to enact in lieu thereof three new sections relating to certain nursing and teaching student assistance programs.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 980, Page 1, Section 173.232, Lines 11 to 13 by deleting all of said lines and inserting in lieu thereof the following:

“located in Missouri. Such amount shall be paid by funds appropriated to the department.”
; and

Further amend said bill, Page 2, Section 173.232, Line 21, by deleting the following:

“and a local school district” ; and

Further amend said bill, Page 3, Section 173.232, Line 50, by deleting the following:

“and the local school district” ; and

Further amend said bill, Page 3, Section 173.232, Line 55, by inserting immediately after the word **“section”** the following:

“; provided that twenty-five percent of such amount, not subject to repayment, shall be repaid by the local school district to the department” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS No. 2 for SCS for SB 583**, entitled:

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, and to enact in lieu thereof fifteen new sections relating to the state emissions inspection program, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 1017**, entitled:

An Act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof five new sections relating to agricultural programs.

With House Amendment No. 1, House

Amendment No. 1 to House Amendment No. 2 and House Amendment No. 2, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1017, Page 5, Section 348.505, Line 13, by inserting immediately after said line the following:

“The amount of the tax credits that may be issued to all eligible lenders claiming tax credits authorized in this section in a fiscal year shall not exceed two hundred thousand dollars.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 1017, Page 3, Lines 14 through 17 by deleting all of said lines and inserting in lieu thereof the symbol “,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 1017, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“30.750. As used in sections 30.750 to 30.767, the following terms mean:

(1) **“Eligible agribusiness”**, a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) **“Eligible beginning farmer”**,

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation

located in Missouri;

c. Is at least eighteen years old; and

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land with an appraised value greater than four hundred fifty thousand dollars.

A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and

b. Meets all other requirements established by the Missouri agriculture and small business development authority;

(3) “Eligible facility borrower”, a borrower qualified under section 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.767;(4) “Eligible farming operation”, any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, that has all of the following characteristics:

(a) Is headquartered in this state;

(b) Maintains offices, operating facilities, or farming operations and transacts business in this state;

(c) Employs less than ten employees;

(d) Is organized for profit;

(e) Possesses not more than sixty percent

equity, where “percent equity” is defined as total assets minus total liabilities divided by total assets, except that an otherwise eligible farming operation applying for a loan for the purpose of installing or improving a waste management practice in order to comply with environmental protection regulations shall be exempt from this eligibility requirement;

(4) “Eligible farming operation”, any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, that has all of the following characteristics:

(a) Is headquartered in this state;

(b) Maintains offices, operating facilities, or farming operations and transacts business in this state;

(c) Employs less than ten employees;

(d) Is organized for profit;

(e) Possesses not more than sixty percent equity, where “percent equity” is defined as total assets minus total liabilities divided by total assets, except that an otherwise eligible farming operation applying for a loan for the purpose of installing or improving a waste management practice in order to comply with environmental protection regulations shall be exempt from this eligibility requirement;

(5) “Eligible higher education institution”, any approved public or private institution as defined in section 173.205, RSMo;

(6) “Eligible job enhancement business”, a new, existing or expanding firm operating in Missouri **or as a condition of accepting the linked deposit will locate a facility or office in Missouri associated with said linked deposit** which employs ten or more employees **in Missouri** on a yearly average and which, as nearly as possible, is able to establish or retain at least one job in Missouri for each [twenty-five] **fifty** thousand dollars received from a linked deposit loan **except that the state treasurer may at her discretion approve a linked deposit at an**

amount higher than fifty thousand dollars per employee if the applicant can demonstrate significant costs for equipment, capital outlay or construction associated with the physical expansion, renovation, or modernization of a facility or equipment;

(7) “Eligible lending institution”, a financial institution that is eligible to make commercial or agricultural or student loans or discount or purchase such loans, is a public depository of state funds or obtains its funds through the issuance of obligations, either directly or through a related entity, eligible for the placement of state funds under the provisions of section 15, article IV, Constitution of Missouri, and agrees to participate in the linked deposit program;

(8) “Eligible livestock operation”, any person engaged in production of livestock or poultry in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo;

(9) “Eligible marketing enterprise”, a business enterprise operating in this state which is in the process of marketing its goods, products or services within or outside of this state or overseas, which marketing is designed to increase manufacturing, transportation, mining, communications, or other enterprises in this state, which has proposed its marketing plan and strategy to the department of economic development and which plan and strategy has been approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.767. Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of subdivision (4) of this section and also employ less than twenty-five employees;

(10) “Eligible multitenant development enterprise”, a new enterprise that develops multitenant space for targeted industries as determined by the department of economic development and approved by the department for the purposes of eligibility pursuant to sections 30.750 to 30.767;

(11) “Eligible residential property developer”, an individual who purchases and develops a residential structure of either two or four units, if such residential property developer uses and agrees to continue to use, for at least the five years immediately following the date of issuance of the linked deposit loan, one of the units as his principal residence or if such person's principal residence is located within one-half mile from the developed structure and such person agrees to maintain the principal residence within one-half mile of the developed structure for at least the five years immediately following the date of issuance of the linked deposit loan;

(12) “Eligible residential property owner”, a person, firm or corporation who purchases, develops or rehabilitates a multifamily residential structure;

(13) “Eligible small business”, a person engaged in an activity with the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision (4) of this section, and also employs less than twenty-five employees;

(14) “Eligible student borrower”, any person attending, or the parent of a dependent undergraduate attending, an eligible higher education institution in Missouri who may or may not qualify for need-based student financial aid calculated by the federal analysis called Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986);

(15) “Eligible water supply system”, a water system which serves fewer than fifty thousand persons and which is owned and operated by:

(a) A public water supply district established pursuant to chapter 247, RSMo; or

(b) A municipality or other political subdivision; or

(c) A water corporation;

and which is certified by the department of natural resources in accordance with its rules and regulations to have suffered a significant decrease in its capacity to meet its service needs as a result of drought;

(16) “Farming”, using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products;

(17) “Linked deposit”, a certificate of deposit, or in the case of production credit associations, the subscription or purchase outright of obligations described in section 15, article IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at rates otherwise provided by law in section 30.758, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.767, to eligible small businesses, farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems at below the present borrowing rate applicable to each small business, farming operation, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the time of the deposit of state funds in the institution;

(18) “Market rate”, the interest rate tied to federal government securities and more specifically described in subsection 4 of section 30.260;

(19) “Water corporation”, as such term is defined in section 386.020, RSMo;

(20) “Water system”, as such term is defined in section 386.020, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 840**, entitled:

An Act to repeal sections 227.290 and 227.299, RSMo, and to enact in lieu thereof two new sections relating highways and bridges.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 840, Page 4, Section 227.299, Lines 61 and 62, by deleting all of said lines and inserting in lieu thereof the following:

“[8.] **7. Highway or bridge designations on the state highway system honoring fallen law enforcement officers [or] , members of the armed forces killed in the line of duty, or state employees killed while serving the state** shall not be”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 April 28, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Jack Lary to the Board of Election Commissioners for Saint Louis City, submitted on April 20, 2006. Lines 1 and 2 should be amended as follows:

"Jack Lary, Republican, 3915 Olive, Apartment 302, Saint Louis City, Missouri 63108"

Respectfully submitted,
 MATT BLUNT

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

HOUSE BILLS ON THIRD READING

Senator Gross moved that **HCS** for **HB 1022**, with **SCS**, **SA 3** and **SA 1** to **SA 3** (pending), be called from the Informal Calendar and again be taken up for 3rd reading and final passage, which motion prevailed.

SA 1 to **SA 3** was again taken up.

Senator Coleman offered **SSA 3** for **SA 1** to **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 3
 FOR SENATE AMENDMENT NO. 1 TO
 SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 2, by striking the number "\$46,500,000" and inserting in lieu thereof the number "\$37,146,573"; and further amend said page and line by inserting after said number the following:

"and further amend said bill, page 6, section 22.115, line 3 by striking "\$2,974,000" and inserting in lieu thereof "\$11,327,427"; and further amend said page, section 22.145, line 3 by striking

the number "\$4,000,000" and inserting in lieu thereof the number "\$5,000,000".

Senator Coleman moved that the above substitute amendment be adopted, which motion failed.

Senator Wilson offered **SSA 4** for **SA 1** to **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 4
 FOR SENATE AMENDMENT NO. 1 TO
 SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 2, by striking the number "\$46,500,000" and inserting in lieu thereof "\$45,000,000" and further amend said page and line by inserting after said number, the following:

"and further amend said bill, page 1, line 3, section 22.005, by inserting after all of said line, the following

'Section 22.006. To the Department of Elementary and Secondary Education

For the purpose of funding the Missouri Critical Teacher Shortage Forgivable Loan Program

From Lewis and Clark Discovery Fund....\$500,000.
 and further amend page 6, line 3, section 22.145, by striking the number "\$4,000,000" and inserting in lieu thereof "\$5,000,000".

Senator Wilson moved that the above substitute amendment be adopted, which motion failed.

Senator Callahan offered **SSA 5** for **SA 1** to **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 5
 FOR SENATE AMENDMENT NO. 1 TO
 SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1,

Section 22.005, Line 2, by striking the number “\$46,500,000” and inserting in lieu thereof the number “\$11,500,000”; and further amend said page and line by inserting after said number the following:

“and further amend said bill, page 8, section 22.200, line 4, by inserting after all of said line, the following:

'Section 22.202. To the Department of Elementary of Secondary Education

For the expenses associated with geographical changes to school district boundaries

From the Lewis and Clark Discovery Fund \$35,000,000.’”.

Senator Callahan moved that the above substitute amendment be adopted.

Senator Wilson raised the point of order that **SSA 5** for **SA 1** to **SA 3** is out of order as it goes beyond the scope and purpose of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SSA 5 for **SA 1** to **SA 3** was again taken up.

Senator Callahan moved that the above substitute amendment be adopted, which motion failed.

Senator Barnitz offered **SSA 6** for **SA 1** to **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 6
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 2, by striking the number “\$46,500,000” and inserting in lieu thereof “\$38,250,000” and further amend said page and line by inserting after said number, the following:

“and further amend said bill, page 6, Section

22.145, line 3, by striking the number '\$4,000,000' and inserting in lieu thereof '\$5,000,000' and further amend said bill, page 8, Section 22.195, by striking the number '\$6,750,000' and inserting in lieu thereof '\$14,000,000’”.

Senator Barnitz moved that the above substitute amendment be adopted, which motion failed.

Senator Ridgeway offered **SSA 7** for **SA 1** to **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 7
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Pages 1-8, by striking sections 22.005, 22.100, 22.105, 22.110, 22.115, 22.120, 22.125, 22.130, 22.135, 22.140, 22.145, 22.150, 22.155, 22.160, 22.165, 22.170, 22.175, 22.180, 22.185, 22.190, 22.195, 22.200, and 22.205 from the bill in their entirety; and inserting in lieu thereof the following:

“Section 22.212 To the Department of Revenue

For the purpose of refunding \$355,761,000 on a pro rata share of each taxpayers individual income tax paid for tax year 2005

From Lewis and Clark Fund . . . \$355,761,000’”.

Senator Ridgeway moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Days and Purgason.

At the request of Senator Ridgeway, **SSA 7** for **SA 1** to **SA 3** was withdrawn.

Senator Ridgeway offered **SSA 8** for **SA 1** to **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 8
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate

Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, by inserting at the end of said amendment the following:

“Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Pages 1-8, by striking sections 22.100, 22.105, 22.110, 22.115, 22.120, 22.125, 22.130, 22.135, 22.140, 22.145, 22.150, 22.155, 22.160, 22.165, 22.170, 22.175, 22.180, 22.185, 22.190, 22.195, 22.200, and 22.205 from the bill in their entirety; and inserting in lieu thereof the following:

“Section 22.212 To the Department of Revenue

For the purpose of refunding \$355,761,000 on a pro rata share of each taxpayers individual income tax paid for tax year 2005

From Lewis and Clark Fund . . \$355,761,000”;

and further on page 1, line 3, section 22.005, by deleting \$46,500,000 and inserting in lieu thereof the sum “3,500,000.”

Senator Ridgeway moved that the above substitute amendment be adopted.

Senator Callahan requested a roll call vote be taken and was joined in his request by Senators Bray, Green, Kennedy and Days.

SSA 8 for SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Coleman
Days	Green	Griesheimer	Kennedy
Purgason	Ridgeway—10		

NAYS—Senators

Alter	Bray	Cauthorn	Champion
Clemens	Crowell	Dougherty	Engler
Gibbons	Goodman	Graham	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Scott	Shields	Stouffer
Vogel	Wilson—22		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

SA 1 to SA 3 was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion failed.

SA 3 was again taken up.

Senator Goodman moved that the above amendment be adopted, which motion failed.

Senator Purgason offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 5, Section 22.065, by deleting all of said section; and further amend said bill page 5, section 22.100, by deleting all of said section; and further amend said bill page 5, section 22.105, by deleting all of said section; and further amend said bill page 5, section 22.110, by deleting all of said section; and further amend said bill page 6, section 22.115, by deleting all of said section; and further amend said bill page 6, section 22.120, by deleting all of said section; and further amend said bill page 6, section 22.125, by deleting all of said section; and further amend said bill page 6, section 22.130, by deleting all of said section; and further amend said bill page 6, section 22.135, by deleting all of said section; and further amend said bill page 6, section 22.140, by deleting all of said section; and further amend said bill page 6, section 22.145, by deleting all of said section; and further amend said bill page 6, section 22.150, by deleting all of said section; and further amend said bill page 7, section 22.155, by deleting all of said section; and further amend said bill page 7, section 22.160, by deleting all of said section; and further amend said bill page 7, section 22.165, by deleting all of said section; and further amend said bill page 7, section 22.170, by deleting all of said section; and further amend

said bill page 7, section 22.175, by deleting all of said section; and further amend said bill page 7, section 22.180, by deleting all of said section; and further amend said bill page 7, section 22.185, by deleting all of said section; and further amend said bill page 7, section 22.190, by deleting all of said section; and further amend said bill page 8, section 22.195, by deleting all of said section; and further amend said bill page 8, section 22.200, by deleting all of said section; and further amend said bill page 8, section 22.205, by deleting all of said section; and further amend said bill page 8, section 22.210, by inserting immediately after said section the following;

“Section 22.215. To Central Missouri State University

From Lewis and Clark Discovery Fund.....\$26,424,534

Section 22.220. To Harris-Stowe State University

From Lewis and Clark Discovery Fund.....\$3,804,471

Section 22.225. To Lincoln University

From Lewis and Clark Discovery Fund.....\$6,893,218

Section 22.230. To Missouri Southern State University

From Lewis and Clark Discovery Fund.....\$13,169,323

Section 22.235. To Missouri State University

From Lewis and Clark Discovery Fund.....\$44,855,224

Section 22.240. To Missouri Western State University

From Lewis and Clark Discovery Fund.....\$12,415,427

Section 22.245. To Northwest Missouri State University

From Lewis and Clark Discovery Fund.....\$15,920,885

Section 22.250. To Southeast Missouri State University

From Lewis and Clark Discovery Fund.....\$23,863,832

Section 22.255. To Truman State University

From Lewis and Clark Discovery Fund.....\$17,861,292

Section 22.260. To the University Missouri

From Lewis and Clark Discovery Fund...\$143,952,792.”

Senator Purgason moved that the above amendment be adopted.

President Pro Tem Gibbons assumed the Chair.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Dougherty, Green, Ridgeway and Shields.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Dougherty	Green	Kennedy	Loudon
Purgason	Ridgeway	Wilson—15	

NAYS—Senators

Alter	Cauthorn	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Klindt	Koster	Mayer
Nodler	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Graham offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, In the Preamble, Lines 4-6, by striking all of said lines and inserting in lieu thereof the following:

“stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2006 and ending June 30, 2007, as follows:”.

Senator Graham moved that the above

amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Scott.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham—4
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NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—27	

Absent—Senator Dougherty—1

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Crowell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 6, Section 22.150, Lines 2-5, by deleting all of said lines and inserting in lieu thereof the following: “For renovations of buildings and construction of an addition at the River Campus”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Callahan offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, Section 22.005, Line 3, by deleting the number “\$50,000,000” and inserting in lieu thereof the number “\$25,000,000”; and further amend said bill, page 1, section 22.010, line 4 by

deleting the number “\$15,000,000” and inserting in lieu thereof the number “\$7,500,000”; and further amend said bill page 1, section 22.012, line 3 by deleting the number “\$562,500” and inserting in lieu thereof the number “\$281,250”; and further amend said bill, page 2, section 22.040 line 4 by deleting the number “\$1,445,000” and inserting in lieu thereof the number “\$722,500”; and further amend said bill, page 2, section 22.041, line 4 by deleting the number “\$425,000” and inserting in lieu thereof the number “\$212,500”; and further amend said bill, page 2, section 22.042, line 4 by deleting the number “\$1,445,000” and inserting in lieu thereof the number “\$722,500”; and further amend said bill, page 2, section 22.043, line 4 by deleting the number “\$2,676,725” and inserting in lieu thereof the number “\$1,338,363”; and further amend said bill, page 2, section 22.044, line 4 by deleting the number “\$995,000” and inserting in lieu thereof the number “\$497,500”; and further amend said bill, page 2, section 22.045, line 4 by deleting the number “\$2,612,725” and inserting in lieu thereof the number “\$1,306,362”; and further amend said bill, page 2, section 22.046, line 4 by deleting the number “\$1,445,000” and inserting in lieu thereof the number “\$722,500”; and further amend said bill, page 3, section 22.047, line 4 by deleting the number “\$212,500” and inserting in lieu thereof the number “\$106,250”; and further amend said bill, page 3, section 22.048, line 4 by deleting the number “\$6,003,975” and inserting in lieu thereof the number “\$3,001,987”; and further amend said bill, page 3, section 22.049, line 4 by deleting the number “\$1,705,525” and inserting in lieu thereof the number “\$852,763”; and further amend said bill, page 3, section 22.050, line 4 by deleting the number “\$3,517,725” and inserting in lieu thereof the number “\$1,758,863”; and further amend said bill, page 3, section 22.051, line 4 by deleting the number “\$1,893,200” and inserting in lieu thereof the number “\$946,600”; and further amend said bill, page 3, section 22.052, line 4 by deleting the number “\$2,550,000” and inserting in lieu thereof the number “\$1,275,000”; and further

amend said bill, page 3, section 22.053, line 4 by deleting the number “\$1,445,000” and inserting in lieu thereof the number “\$722,500”; and further amend said bill, page 4, section 22.054, line 4 by deleting the number “\$3,007,725” and inserting in lieu thereof the number “\$1,503,862”; and further amend said bill, page 4, section 22.055, line 4 by deleting the number “\$4,113,500” and inserting in lieu thereof the number “\$2,056,750”; and further amend said bill, page 4, section 22.056, line 4 by deleting the number “\$1,656,725” and inserting in lieu thereof the number “\$828,363”; and further amend said bill, page 4, section 22.057, line 4 by deleting the number “\$7,775,000” and inserting in lieu thereof the number “\$3,887,500”; and further amend said bill, page 4, section 22.058, line 4 by deleting the number “\$1,894,225” and inserting in lieu thereof the number “\$947,112”; and further amend said bill, page 4, section 22.059, line 4 by deleting the number “\$1,775,225” and inserting in lieu thereof the number “\$887,613”; and further amend said bill, page 4, section 22.060, line 4 by deleting the number “\$2,855,225” and inserting in lieu thereof the number “\$1,427,612”; and further amend said bill, page 5, section 22.061, line 4 by deleting the number “\$750,000” and inserting in lieu thereof the number “\$375,000”; and further amend said bill, page 5, section 22.062, line 4 by deleting the number “\$2,400,000” and inserting in lieu thereof the number “\$1,200,000”; and further amend said bill, page 5, section 22.063, line 3 by deleting the number “\$1,000,000” and inserting in lieu thereof the number “\$500,000”; and further amend said bill, page 5, section 22.064, line 4 by deleting the number “\$21,139,000” and inserting in lieu thereof the number “\$10,569,500”; and further amend said bill, page 5, section 22.065, line 3 by deleting the number “\$3,400,000” and inserting in lieu thereof the number “\$1,700,000”; and further amend said bill, page 5, section 22.100, line 3 by deleting the number “\$13,229,000” and inserting in lieu thereof the number “\$6,614,500”; and further amend said bill, page 5, section 22.105, line 4 by deleting the number “\$5,500,000” and inserting in

lieu thereof the number “\$2,750,000”; and further amend said bill, page 5, section 22.110, line 4 by deleting the number “\$10,226,000” and inserting in lieu thereof the number “\$5,113,000”; and further amend said bill, page 6, section 22.115, line 3 by deleting the number “\$2,974,000” and inserting in lieu thereof the number “\$1,487,000”; and further amend said bill, page 6, section 22.120, line 3 by deleting the number “\$18,976,000” and inserting in lieu thereof the number “\$9,488,000”; and further amend said bill, page 6, section 22.125, line 4 by deleting the number “\$29,704,000” and inserting in lieu thereof the number “\$14,852,000”; and further amend said bill, page 6, section 22.130, line 4 by deleting the number “\$5,000,000” and inserting in lieu thereof the number “\$2,500,000”; and further amend said bill, page 6, section 22.135, line 4 by deleting the number “\$30,115,000” and inserting in lieu thereof the number “\$15,057,500”; and further amend said bill, page 6, section 22.140, line 3 by deleting the number “\$11,400,000” and inserting in lieu thereof the number “\$5,700,000”; and further amend said bill, page 6, section 22.145, line 3 by deleting the number “\$4,000,000” and inserting in lieu thereof the number “\$2,000,000”; and further amend said bill, page 6, section 22.150, line 6 by deleting the number “\$17,200,000” and inserting in lieu thereof the number “\$8,600,000”; and further amend said bill, page 7, section 22.155, line 3 by deleting the number “\$21,558,000” and inserting in lieu thereof the number “\$10,779,000”; and further amend said bill, page 7, section 22.160, line 4 by deleting the number “\$85,029,000” and inserting in lieu thereof the number “\$42,514,500”; and further amend said bill, page 7, section 22.165, line 4 by deleting the number “\$2,000,000” and inserting in lieu thereof the number “\$1,000,000”; and further amend said bill, page 7, section 22.170, line 4 by deleting the number “\$3,000,000” and inserting in lieu thereof the number “\$1,500,000”; and further amend said bill, page 7, section 22.175, line 4 by deleting the number “\$2,000,000” and inserting in lieu thereof the number “\$1,000,000”; and further amend said bill, page 7, section 22.180, line 4 by

deleting the number “\$2,000,000” and inserting in lieu thereof the number “\$1,000,000”; and further amend said bill, page 7, section 22.185, line 4 by deleting the number “\$12,000,000” and inserting in lieu thereof the number “\$6,000,000”; and further amend said bill, page 7, section 22.190, line 4 by deleting the number “\$3,000,000” and inserting in lieu thereof the number “\$1,500,000”; and further amend said bill, page 8, section 22.195, line 4 by deleting the number “\$6,750,000” and inserting in lieu thereof the number “\$3,375,000”; and further amend said bill, page 8, section 22.200, line 4 by deleting the number “\$5,500,000” and inserting in lieu thereof the number “\$2,750,000”; and further amend said bill, page 8, section 22.205, line 4 by deleting the number “\$18,000,000” and inserting in lieu thereof the number “\$9,000,000”; and further amend said page by inserting after all of said line, the following:

“Section 22.215. Funds are to be transferred out of the state treasury, chargeable to the Lewis and Clark Discovery Fund, to the Lewis and Clark Reserve Fund

From Lewis and Clark Discovery Fund...\$227,431,762” and amend bill totals accordingly.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 1, In the Preamble, Lines 4-5, by striking the word “all” on line 4 and all of line 5 and inserting in lieu thereof the words: “no department, division, agency or program shall receive any funding pursuant to this bill until the recipient of such funds shall enter into a contract with the state of Missouri of perpetual duration agreeing that the recipient shall not expend funds for any purpose for which funding is prohibited pursuant to Section”; and further line 6 of said bill,

page and section, by striking the word “RSMo,” on said line and inserting in lieu thereof the words “RSMo. There is hereby appropriated”.

Senator Callahan moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 8** is out of order as it attempts to legislate through an appropriation bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Callahan offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, Page 8, Section 22.210, Line 4, by inserting immediately after all of said line the following:

“313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may

authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions including providing a maximum loss of five hundred dollars per individual player per gambling excursion] **and require that moneys resulting from losses in excess of five hundred dollars per individual player per gambling excursion shall be deposited in the tuition reduction fund, established by section 1 of this act;**

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of

sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying

information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous-docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with

all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

Section 1. 1. There is hereby created in the state treasury the "Tuition Reduction Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The "Tuition Reduction Fund" shall be utilized to offset reductions in tuition or fees, or to compensate higher education institutions for not elevating tuition or fee rates. Each year, representatives from the various higher education institutions in this state shall present all relevant financial information to the appropriations committees of the senate and the house, delineating the amount of lost revenue that resulted in the reduction of tuition or fees or the amount of revenue that the institution would have gained with a proposed increase in tuition or fees. The general assembly shall make appropriations from this fund as it deems

appropriate to the various higher education institutions.”.

Senator Callahan moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 9** is out of order as it attempts to legislate through an appropriation bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Gross moved that **SCS** for **HCS** for **HB 1022**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 1022**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Scott	Shields
Stouffer	Vogel—22		

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Green	Kennedy	Purgason
Ridgeway	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 932**. Representatives: Wilson (119), Johnson (47), Smith (118), Wagner and Robinson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 1001, 896 and 761**, as amended. Representatives: St. Onge, Parson, Schlottach, Daus and Henke.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended for **HB 1865** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

REFERRALS

President Pro Tem Gibbons referred the addendum appearing on page 936 to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2942, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dempsey Graham, which was adopted.

Senator Alter offered Senate Resolution No. 2943, regarding Edna Jordan, which was adopted.

Senator Alter offered Senate Resolution No. 2944, regarding Laura Benner, which was adopted.

Senator Alter offered Senate Resolution No. 2945, regarding Velma Grant, which was adopted.

Senator Alter offered Senate Resolution No. 2946, regarding Dr. Gerald Davidson, Arnold, which was adopted.

Senator Green offered Senate Resolution No. 2947, regarding Earlene Hamilton, Florissant, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2948, regarding Rosemary Dodd, which was

adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Scott George, Mt. Vernon.

Senator Clemens introduced to the Senate, Cliff and Ainey Hampton, Springfield.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY—TUESDAY, MAY 2, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1970

HCS for HB 1814

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1827-Wasson, et al (Goodman)
2. HCS for HB 1632, with SCS (Engler)
3. HCS for HB 1149, with SCS#2 (Scott)
4. HB 1411-Smith (150), et al, with SCS (Scott)

5. HCS for HBs 1145, 1359 & 1121 (Scott) (In Fiscal Oversight)
6. HB 1302-Cooper (155), et al (Ridgeway) (In Fiscal Oversight)
7. HJR 28-Jackson (Ridgeway)

- | | |
|---|--|
| 8. HB 1521-Richard, et al (Griesheimer) | 14. HCS for HB 1275 (Goodman) |
| 9. HCS for HBs 1030, 1033, 1146, 1225 & 1326, with SCS (Bartle) | (In Fiscal Oversight) |
| 10. HCS for HB 1367, with SCS | 15. HCS for HB 1944, with SCS (Koster) |
| 11. HB 1936-Tilley, with SCS (Stouffer) | 16. HB 1105-Wilson (119), et al (Scott) |
| 12. HCS for HB 1026, with SCS (Shields) | 17. HCS for HB 1380, with SCS (Stouffer) |
| 13. HB 1446-Whorton, et al (Barnitz) | 18. HB 1320-Lipke, et al (Gibbons) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 566-Dougherty, et al, with SCS & SS for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3 (pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1 (pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with SCS & SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| HCS for HB 978, with SCS (pending) (Goodman) | HCS for HB 1532, with SCS (Griesheimer) |
| HCS for HB 1021 (Gross) | HB 1623-St. Onge, et al (Stouffer) |
| SS for SCS for HCS for HB 1306 (Crowell) | HCS for HB 1742, with SCS (Shields) |
| HCS for HB 1456, with SCS, SS for SCS & SA 1 (pending) (Ridgeway) | |

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)
HB 1858-Lipke (Goodman)
HCS for HBs 1617 & 1374 (Stouffer)
HCS for HB 1053 (Wheeler)
HCS#2 for HB 1703 (Bartle)
HB 1857-Lipke (Goodman)
HCS for HB 1343 (Cauthorn)
HB 1204-Roorda, et al (Alter)
HB 1427-Johnson (90), et al (Kennedy)
HB 1169-Cooper (120) (Scott)
HCS for HB 1759 (Clemens)
HCS for HB 1739 (Bartle)
HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HB 1601-Weter, et al, with SCS (Dougherty)
HB 1687-Wright (137), et al, with SCA 1
(Champion)
HB 1222-Cooper (158) (Scott)
HB 1491-Walton, et al (Days)
HB 1437-Threlkeld, with SCS (Bartle)
HCS for HB 1515 (Koster)
HCS for HB 1787, with SCS (Mayer)
HCS for HB 1344 (Coleman)
HCS for HB 1552 (Wilson)

HCS for HB 1138 (Ridgeway)
HCS for HB 1256 (Days)
HCS for HB 1762, with SCS (Scott)
HCS for HBs 1382 & 1158, with SCS
(Ridgeway)
HB 1488-Roorda, et al (Kennedy)
HCS for HB 1180 (Bray)
HB 1234-Loehner, et al (Clemens)
HB 1245-Sater, et al (Shields)
HCS for HB 1449, with SCS (Mayer)
HCS for HB 1511, with SCS (Shields)
HB 1732-Fraser, et al (Days)
HB 1494-Emery, et al (Scott)
HB 1393-Behnen, et al (Goodman)
HB 983-Meadows, et al (Alter)
HB 984-Meadows, et al (Alter)
HB 1715-Pratt (Bartle)
HB 998-Smith (118) (Scott)
HCS for HB 1135 (Stouffer)
HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)
HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)
HCS for HB 1711 (Gibbons)

HB 1707-Dusenberger, et al, with SCS
(Bartle)

HCS for HB 977, with SCS (Engler)

HB 1509-Bruns and Wildberger, with SCS
(Vogel)

Reported 4/13

HB 1088-Schaaf, et al (Scott)

HB 1722-Sutherland, et al (Mayer)

HCS for HB 1037 (Klindt)

HB 1833-Wood, et al (Goodman)

HCS for HB 1440, with SCS (Ridgeway)

HB 1988-Wagner, et al (Barnitz)

HB 1144-May, et al (Clemens)

HB 1466-Daus (Coleman)

HB 1577-Pollock, et al (Clemens)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SB 583-Griesheimer,
with HCS

SCS for SB 773-Cauthorn and Barnitz,
with HCS, as amended

SCS for SB 614-Stouffer & Goodman,
with HCS, as amended

SB 840-Stouffer, with HCS, as amended

SCS for SB 666-Engler, with HCS,
as amended

SB 980-Clemens, with HCS, as amended

SB 1017-Clemens, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 932-Scott, with HCS

HCS for HB 1007, with SCS (Gross)

SCS for SBs 1001, 896 & 761-Griesheimer,
with HCS, as amended

HB 1008-Icet, with SCS (Gross)

HB 1009-Icet, with SCS (Gross)

HB 1001-Icet, with SCS (Gross)

HCS for HB 1010, with SCS (Gross)

HCS for HB 1002, with SCS (Gross)

HCS for HB 1011, with SCS (Gross)

HCS for HB 1003, with SCS (Gross)

HCS for HB 1012, with SCS (Gross)

HCS for HB 1004, with SCS (Gross)

HB 1013-Icet, with SCS (Gross)

HCS for HB 1005, with SCS (Gross)

HCS for HBs 1270 & 1027, with SCS,

HCS for HB 1006, with SCS (Gross)

as amended (Cauthorn)

Requests to Recede or Grant Conference

HB 1865-Bearden, et al, with SCS,
as amended (Shields)
(House requests Senate recede
or grant conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

To be Referred

HCR 27-Burnett

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY—TUESDAY, MAY 2, 2006

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received.” (1 Peter 4:10)

Heavenly Father, we are truly a blessed and gifted body here, with many talents and skills to contribute to the well being and mental acuity of those we work with. Help us use these gifts to put forth the best effort and most effective bills we are capable of presenting so that our conscience is clear and we have nothing to be ashamed of when the day’s work is completed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

President Kinder assumed the Chair.

Senator Shields announced that photographers from KRCG-TV and KMIZ-TV had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Wilson offered Senate Resolution No. 2949, regarding the Eightieth Birthday of Rosemary S. Lowe, Kansas City, which was adopted.

Senator Wheeler offered Senate Resolution No. 2950, regarding Catherine Ann “Cathy” Brown, Columbia, which was adopted.

Senator Clemens offered Senate Resolution No. 2951, regarding the One Hundredth Birthday of May Vestal, Marshfield, which was adopted.

Senator Clemens offered Senate Resolution No. 2952, regarding the death of Army Sergeant First Class Randall Lynn Lamberson, Springfield, which was adopted.

Senator Purgason offered Senate Resolution No. 2953, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Henry Meyer, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2954, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Roy Shawley, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2955, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Farris Calton, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2956, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dave Doing, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2957, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Myers, Lebanon, which was adopted.

Senator Stouffer offered Senate Resolution No. 2958, in memory of Jon Thornburg, which was adopted.

Senator Stouffer offered Senate Resolution No. 2959, regarding the Lafayette Regional Health Center, Lexington, which was adopted.

Senator Koster offered Senate Resolution No. 2960, regarding Loretta Enzor, Harrisonville, which was adopted.

Senator Koster offered Senate Resolution No. 2961, regarding Master Sergeant Steve Hertig, Warrensburg, which was adopted.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse

to concur in **HCS** for **SCS** for **SB 666**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 773**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to recede from its position on **SCS** for **HB 1865**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Cauthorn moved that the conferees on **HCS** for **SCS** for **SB 773**, as amended, be allowed to exceed the differences on the livestock theft language, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1865**, as amended: Senators Shields, Nodler, Gibbons, Graham and Coleman.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1970**—Agriculture, Conservation, Parks and Natural Resources.

HCS for **HB 1814**—Pensions, Veterans' Affairs and General Laws.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 27—Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HB 1827 was placed on the Informal Calendar.

HCS for **HB 1632**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1149**, with **SCS No. 2**, was placed on the Informal Calendar.

At the request of Senator Scott, **HB 1411**, with **SCS**, was placed on the Informal Calendar.

HJR 28 was placed on the Informal Calendar.

HB 1521 was placed on the Informal Calendar.

At the request of Senator Bartle, **HCS** for **HBs 1030, 1033, 1146, 1225 and 1326**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1367**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Stouffer, **HB 1936**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **HCS** for **HB 1026**, with **SCS**, was placed on the Informal Calendar.

HB 1446 was placed on the Informal Calendar.

HCS for **HB 1944**, with **SCS**, entitled:

An Act to repeal sections 99.120, 99.460, 100.420, 238.247, 353.130, 523.040, 523.055, 523.060, 523.200, and 523.205, RSMo, and to enact in lieu thereof twenty-six new sections relating to eminent domain, with a severability clause.

Was taken up by Senator Koster.

SCS for **HCS** for **HB 1944**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1944

An Act to repeal sections 99.120, 99.460,

100.420, 353.130, 523.040, 523.055, 523.200, and 523.205, RSMo, and to enact in lieu thereof eighteen new sections relating to eminent domain.

Was taken up.

Senator Koster moved that **SCS** for **HCS** for **HB 1944** be adopted.

Senator Koster offered **SS** for **SCS** for **HCS** for **HB 1944**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1944

An Act to repeal sections 99.120, 99.460, 100.420, 238.247, 353.130, 523.040, 523.055, 523.060, 523.200, and 523.205, RSMo, and to enact in lieu thereof twenty-eight new sections relating to eminent domain, with a severability clause.

Senator Koster moved that **SS** for **SCS** for **HCS** for **HB 1944** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 25, Section 523.271, Lines 2-3 of said page, by striking said lines and inserting in lieu thereof the following: “**interpreted to restrict the use of eminent domain for solely economic development purposes.**”.

Senator Scott moved that the above amendment be adopted.

Senator Klindt offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Pages 24 and 25, Section 523.271, by striking said section from

the bill; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above substitute amendment be adopted.

Senator Shields offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 1, Section 523.271, Line 2, by inserting after the word "bill" the following: "and inserting in lieu thereof the following:

"523.271. 1. No condemning authority shall acquire private property through the process of eminent domain for solely economic development purposes.

2. For the purposes of this section, "economic development" shall mean a use of a specific piece of property or properties which would provide an increase in the tax base, tax revenues, employment, and general economic health, and does not include the elimination of blighted, substandard, or unsanitary conditions, or conditions rendering the property or its surrounding area a conservation area as defined in section 99.805, RSMo."

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Nodler assumed the Chair.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Klindt moved that the above substitute amendment be adopted, which motion prevailed.

At the request of Senator Koster, **HCS** for **HB 1944**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1001** and has taken up and passed **CCS** for **SCS** for **HB 1001**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1002** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1002**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1003** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1003**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1001**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1001

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1001, begs leave to report that we, after free and fair discussion of the differences, have agreed to

recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1001.

2. That the House recede from its position on House Bill No. 1001.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1001, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	/s/ Margaret Donnelly
/s/ Joan Bray	/s/ Wes Shoemyer

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—28

NAYS—Senators—None

Absent—Senators

Alter	Coleman	Days	Goodman—4
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Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HB 1001**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1001

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing, processing and defeasing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Days—2
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Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1002**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1002

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1002.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1002.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	Joe Aull
/s/ Joan Bray	Paul LeVota

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Coleman	Days	Klindt—3
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Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1002**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, the Office of Administration, and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman Days—2

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1003**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1003

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1003, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1003.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1003.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1003, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Pat Dougherty

/s/ Joan Bray

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Carl Bearden

/s/ Michael Brown

/s/ Barbara Fraser

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senator Purgason—1

Absent—Senators

Coleman Days—2

Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning

July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

HOUSE BILLS ON THIRD READING

Senator Koster moved that **HCS for HB 1944**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HB 1944, as

amended, was again taken up.

At the request of Senator Koster, **HCS for HB 1944**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1865**, as amended. Representatives: Bearden, Muschany, Kingery, LeVota and Zweifel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1026**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS for HB 1004** and has taken up and passed **CCS** for **SCS** for **HCS for HB 1004**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS for HB 1005** and has taken up and passed **CCS** for **SCS** for **HCS for HB 1005**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS for HB 1004**, moved that the following conference committee

report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1004.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1004.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	/s/ Margaret Donnelly
/s/ Joan Bray	/s/ Robin Wright-Jones

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Mayer—2

Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, Office of Administration, the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1005**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1005

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1005, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1005.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1005.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1005, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	Paul LeVota
/s/ Joan Bray	Ray Salva

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1005**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1006** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1006**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1007** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1007**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference

committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1006**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1006

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1006.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1006.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	/s/ Belinda Harris
/s/ Joan Bray	/s/ Jim Whorton

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer	Shields	Stouffer	Vogel	Wilson—32
Nodler	Purgason	Ridgeway	Scott				
Shields	Stouffer	Vogel	Wilson—32	NAYS—Senators—None			

NAYS—Senators—None

Absent—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Absent with leave—Senator Wheeler—1

Vacancies—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1006**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1007**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1007

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1007.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1007.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for

House Committee Substitute for House Bill No. 1007, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross

/s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert N. Mayer

/s/ Carl Bearden

/s/ Pat Dougherty

Amber Boykins

/s/ Joan Bray

Rachel Storch

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided

in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Koster moved that **HCS** for **HB 1944**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 1944**, as amended, was again taken up.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 26, Section 523.282, Line 12, by inserting immediately after the word “that” the following: **“upon completion of the initial structure”**.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 5, Section 523.001, Line 26 of said page, by striking the word “and”; and further amend said line, by inserting immediately after “depreciation,” the following: **“and cost of suitable replacement properties in the market area,”**.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 12, Section 523.205, Line 17, by striking the word “or”; and

further amend said page and section, line 18 by inserting after the word “public” the following: “;
or

(c) On a not-for-profit basis by any organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), 501 (c) (7), or 501 (c) (8) of Title 26, U.S.C., as amended”.

Senator Ridgeway moved that the above amendment be adopted.

Senator Koster offered **SSA 1** for **SA 4**, which

was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 12, Section 523.205, Line 17, by striking the word “or”; and

further amend said page and section, line 18 by inserting after the word “public” the following: “;
or

(c) On a not-for-profit basis by any organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3) of Title 26, U.S.C., as amended”.

Senator Koster moved that the above substitute amendment be adopted.

At the request of Senator Koster, **SSA 1** for **SA 4** was withdrawn.

At the request of Senator Ridgeway, **SA 4** was withdrawn.

Senator Koster offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 9, Section 523.040, Line 2 of said page, by striking the word “five” and inserting in lieu thereof the following: **“ten”**.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 20, Section 523.253, Line 10 of said page, by inserting immediately after the word “property” the

following: **“for purposes of the offer made in subsection 1 of this section”**.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 9, Section 523.055, Line 24 of said page, by inserting immediately after the word “have” the following: **“not less than”**; and further amend line 25 of said page, by inserting immediately after the word “award” the following: **“to surrender possession”**.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Koster moved that **SS for SCS for HCS for HB 1944**, as amended, be adopted, which motion prevailed.

Senator Koster moved that **SS for SCS for HCS for HB 1944**, as amended, be read the 3rd time and finally passed.

At the request of Senator Koster, the above motion was withdrawn.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Gibbons moved that the vote by which **SS for SCS for HCS for HB 1944**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—1

SS for SCS for HCS for HB 1944, as amended, was again taken up.

Senator Ridgeway offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 12, Section 523.205, Line 17, by striking the word “or”; and

further amend said page and section, line 18 by inserting after the word “public” the following: “; **or**

(c) On a not-for-profit basis by any organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c)(3), of Title 26, U.S.C., as amended and veteran’s organizations”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, page 20, section 523.253, line 7, by adding immediately after the word “shall” the following: **“, at the time of the offer,”**; and

further amend said bill, page 23, section 523.262, line 20, by adding immediately after the number “3” the following **“and 6”**; and

further amend said bill and page and section, lines

23-26, by striking all of said lines and inserting in lieu thereof the following “**Uniform Relocation Assistance Act.**”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, Page 26, Section 523.282, Line 16 by inserting after the phrase “of such structure.” the following:

“Nothing in this section shall prohibit the expansion or upgrade of the initially completed structure, provided that the purpose or purposes and footprint of said expansion or upgrade were explicitly described in the original terms of the instrument.”

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Koster moved that **SS** for **SCS** for **HCS** for **HB 1944**, as amended, be adopted, which motion prevailed.

Senator Koster moved that **SS** for **SCS** for **HCS** for **HB 1944**, as amended, be read the 3rd time and finally passed and was recognized to close.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 1944**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was

referred **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 2741**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HB 1728**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1900**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 1485**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging,

Families, Mental and Public Health, to which was referred **HCS for HB 1767**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1118**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 1905**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 1534**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HBs 1698, 1236, 995, 1362 and 1290**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 1182**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1317**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 1504**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1008** and has taken up and passed **CCS** for **SCS** for **HB 1008**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1009** and has taken up and passed **CCS** for **SCS** for **HB 1009**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1010** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1010**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1011** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1011**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1008**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1008

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1008, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1008.
2. That the House recede from its position on House Bill No. 1008.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1008, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross

/s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert Mayer

/s/ Carl Bearden

/s/ Pat Dougherty

/s/ Ed Wildberger

/s/ Joan Bray

/s/ Jeff Roorda

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Crowell
Days	Dougherty	Gibbons	Goodman
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer

Wilson—25

NAYS—Senators—None

Absent—Senators

Clemens	Coleman	Engler	Green
Klindt	Mayer	Vogel—7	

Absent with leave—Senator Wheeler—1

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HB 1008**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the Office of Administration, and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Coleman
Crowell	Days	Dougherty	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields

Stouffer

Wilson—26

NAYS—Senators—None

Absent—Senators

Clemens	Engler	Green	Klindt
Mayer	Vogel—6		

Absent with leave—Senator Wheeler—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1009**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1009

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1009, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1009.

2. That the House recede from its position on House Bill No. 1009.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1009, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	/s/ Ed Wildberger
/s/ Joan Bray	/s/ Amber Boykins

Senator Gross moved that the above conference committee report be adopted.

At the request of Senator Gross, the above motion was withdrawn.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following corrected committee report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 1504**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2962, regarding the One Hundredth Anniversary of the Father Seisl Council 1121 Knights of Columbus, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2963, regarding the One Hundredth Anniversary of Saint Paul's United Church of Christ, Marthasville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2964, regarding Vicky L. Adams, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2965, regarding Linda R. Schnur, which was adopted.

Senator Crowell offered Senate Resolution No. 2966, regarding Sheila Liu Fish, Zalma, which was adopted.

Senator Crowell offered Senate Resolution No. 2967, regarding Whitney Brooke West, Zalma, which was adopted.

Senator Crowell offered Senate Resolution No. 2968, regarding Keith Proctor, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 2969, regarding Kimberly Farmer, Marquand, which was adopted.

Senator Champion offered Senate Resolution No. 2970, regarding Brett Owen Zeiler, Springfield, which was adopted.

Senator Bray offered Senate Resolution No. 2971, regarding Chris Poldoian, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 2972, regarding Trevor Grant, Richmond Heights, which was adopted.

Senator Alter offered Senate Resolution No. 2973, regarding Don Wintermeyer, Hillsboro, which was adopted.

Senator Vogel offered Senate Resolution No. 2974, regarding Larry Young, Holts Summit, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Shirley and Art Maier, Boonville.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Greisheimer introduced to the Senate, Norm and Ellen Lause, Washington.

Senator Loudon introduced to the Senate, Teresa Owens and sixteen students from West Christian School, Cool Valley.

Senator Loudon introduced to the Senate, sixty-five fourth grade students from Bellerive School, Creve Coeur.

Senator Days introduced to the Senate, Rose Gainer, Florida; and Helen, Arnold and Sheila Brooks, California.

Senator Gross introduced to the Senate, fifth

grade students from Blackhurst Elementary School, St. Charles.

Senator Coleman introduced to the Senate, Robin Reed, Washington, D.C.; and Rob Sideman, Fairfax, Virginia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIFTH DAY—WEDNESDAY, MAY 3, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HBs 1145, 1359 & 1121 (Scott)
(In Fiscal Oversight)
2. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight)
3. HCS for HB 1275 (Goodman)
(In Fiscal Oversight)
4. HB 1105-Wilson (119), et al (Scott)
5. HCS for HB 1380, with SCS (Stouffer)
6. HB 1320-Lipke, et al (Gibbons)
7. HB 1728-Rector, et al, with SCS
8. HCS for HB 1900
9. HCS for HB 1485, with SCS (Ridgeway)
10. HCS for HB 1767, with SCS
11. HB 1118-Dempsey, et al, with SCS#2
(Shields)
12. HB 1905-Jetton, et al
13. HCS for HB 1534 (Bartle)
14. HCS for HBs 1698, 1236, 995, 1362 &
1290, with SCS
15. HCS for HB 1182
16. HCS for HB 1317
17. HB 1504-Yates, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS for SCS (pending)	SB 817-Scott, et al
SB 617-Koster, with SCS	SB 841-Ridgeway, et al, with SCS
SB 635-Cauthorn	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 637-Cauthorn, et al, with SCS & SA 3 (pending)	SB 862-Engler, with SCS
SB 642-Scott	SB 998-Champion, with SCS
SB 655-Nodler, with SCS	SB 1009-Klindt, with SS (pending)
SBs 665 & 757-Engler, with SCS & SA 1 (pending)	SB 1038-Mayer
SB 687-Scott and Bartle, with SCS	SB 1049-Shields, with SCS
SB 736-Crowell and Cauthorn, with SCS	SB 1092-Klindt, with SCS
SB 759-Engler	SB 1104-Cauthorn and Klindt, with SCS
SB 816-Griesheimer and Coleman, with SCS & SS#2 for SCS (pending)	SB 1114-Goodman & Loudon, with SCS
	SB 1188-Gibbons
	SB 1217-Goodman
	SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (pending) (Goodman)	HCS for HB 1456, with SCS, SS for SCS & SA 1 (pending) (Ridgeway)
HCS for HB 1021 (Gross)	HB 1521-Richard, et al (Griesheimer)
HCS for HB 1026, with SCS (Shields)	HCS for HB 1532, with SCS (Griesheimer)
HCS for HBs 1030, 1033, 1146, 1225 & 1326, with SCS (Bartle)	HB 1623-St. Onge, et al (Stouffer)
HCS for HB 1149, with SCS#2 (Klindt)	HCS for HB 1632, with SCS (Engler)
SS for SCS for HCS for HB 1306 (Crowell)	HCS for HB 1742, with SCS (Shields)
HCS for HB 1367, with SCS (Koster)	HB 1827-Wasson, et al (Goodman)
HB 1411-Smith (150), et al, with SCS (Scott)	HB 1936-Tilley, with SCS (Stouffer)
HB 1446-Whorton, et al (Barnitz)	SS for SCS for HCS for HB 1944 (Koster) (In Fiscal Oversight)
	HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)

HB 1858-Lipke (Goodman)

HCS for HBs 1617 & 1374 (Stouffer)

HCS for HB 1053 (Wheeler)

HCS#2 for HB 1703 (Bartle)

HB 1857-Lipke (Goodman)

HCS for HB 1343 (Cauthorn)

HB 1204-Roorda, et al (Alter)

HB 1427-Johnson (90), et al (Kennedy)

HB 1169-Cooper (120) (Scott)

HCS for HB 1759 (Clemens)

HCS for HB 1739 (Bartle)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HB 1601-Weter, et al, with SCS

(Dougherty)

HB 1687-Wright (137), et al, with SCA 1

(Champion)

HB 1222-Cooper (158) (Scott)

HB 1491-Walton, et al (Days)

HB 1437-Threlkeld, with SCS (Bartle)

HCS for HB 1515 (Koster)

HCS for HB 1787, with SCS (Mayer)

HCS for HB 1344 (Coleman)

HCS for HB 1552 (Wilson)

HCS for HB 1138 (Ridgeway)

HCS for HB 1256 (Days)

HCS for HB 1762, with SCS (Scott)

HCS for HBs 1382 & 1158, with SCS
(Ridgeway)

HB 1488-Roorda, et al (Kennedy)

HCS for HB 1180 (Bray)

HB 1234-Loehner, et al (Clemens)

HB 1245-Sater, et al (Shields)

HCS for HB 1449, with SCS (Mayer)

HCS for HB 1511, with SCS (Shields)

HB 1732-Fraser, et al (Days)

HB 1494-Emery, et al (Scott)

HB 1393-Behnen, et al (Goodman)

HB 983-Meadows, et al (Alter)

HB 984-Meadows, et al (Alter)

HB 1715-Pratt (Bartle)

HB 998-Smith (118) (Scott)

HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)

HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)

HB 1424-Franz (Purgason)

HCS for HB 1711 (Gibbons)

HB 1707-Dusenbergh, et al, with SCS

(Bartle)

HB 1509-Bruns and Wildberger, with SCS

(Vogel)

HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)

HCS for HB 1037 (Klindt)

HCS for HB 1440, with SCS (Ridgeway)

HB 1144-May, et al (Clemens)

HB 1577-Pollock, et al (Clemens)
 HB 1722-Sutherland, et al (Mayer)
 HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)
 HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SB 583-Griesheimer,
 with HCS
 SCS for SB 614-Stouffer & Goodman, with
 HCS, as amended

SB 840-Stouffer, with HCS, as amended
 SB 980-Clemens, with HCS, as amended
 SB 1017-Clemens, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 932-Scott, with HCS
 SCS for SBs 1001, 896 & 761-Griesheimer,
 with HCS, as amended
 HB 1009-Icet, with SCS (Gross) (House
 adopted CCR and passed CCS)
 HCS for HB 1010, with SCS (Gross) (House
 adopted CCR and passed CCS)
 HCS for HB 1011, with SCS (Gross) (House
 adopted CCR and passed CCS)

HCS for HB 1012, with SCS (Gross)
 HB 1013-Icet, with SCS (Gross)
 HCS for HBs 1270 & 1027, with SCS, as
 amended (Cauthorn)
 HB 1865-Bearden, et al, with SCS, as
 amended (Shields)

Requests to Recede or Grant Conference

SCS for SB 666-Engler, with HCS, as
 amended
 (Senate requests House recede
 or grant conference)

SCS for SB 773-Cauthorn and Barnitz,
 with HCS, as amended
 (Senate requests House recede
 or grant conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

HCR 25-Bowman, et al

HCR 17-Quinn, et al (Stouffer)
HCR 15-Jetton, et al
HCR 12-Portwood (Griesheimer)
HCR 9-Ruestman, et al

HCR 4-Bruns
HCR 37-Loehner, et al (Barnitz)
HCR 10-Zweifel, et al
SR 2741-Wilson

MISCELLANEOUS

REMONSTRANCE 1-Gross

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SECOND REGULAR SESSION

SIXTY-FIFTH DAY—WEDNESDAY, MAY 3, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

Almighty God, we walk down the halls and see all the men and women who have gone before us and are mindful of their contributions both great and small. With term limits we know our time here passes quickly and so we have little time to accomplish all You would have us do. So as we meet today help us to be mindful that we are but the current managers of these seats of power and to make good use of the power we do have and use it wisely and effectively for the people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2975, regarding Holly Warden, Washington, which was adopted.

Senator Engler offered Senate Resolution No. 2976, regarding Judith Nelson, which was adopted.

Senator Engler offered Senate Resolution No. 2977, regarding Bev Mapes, which was adopted.

Senator Engler offered Senate Resolution No. 2978, regarding Roberta Marshall, which was adopted.

Senator Engler offered Senate Resolution No. 2979, regarding Patricia Portell, which was adopted.

Senator Engler offered Senate Resolution No. 2980, regarding Luris Sansegraw, which was

adopted.

Senator Crowell offered Senate Resolution No. 2981, regarding the Kasten Community Development Center, Cape Girardeau, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 1022** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 773**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 666**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 666**, as amended. Representatives: Bruns, Dethrow, Ruestman, Villa and Whorton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 725**, entitled:

An Act to repeal sections 311.325, 311.490, and 312.200, RSMo, and to enact in lieu thereof three new sections relating to alcoholic beverages, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 819**, entitled:

An Act to repeal section 327.391, RSMo, and to enact in lieu thereof two new sections relating to professional engineer and land surveyor licenses.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 893**, entitled:

An Act to repeal section 321.554, RSMo, and section 321.243 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 and 647, eighty-eighth general assembly, first regular session, and section 321.243 as enacted by conference committee substitute no. 2 for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 and 72, eighty-eighth general assembly, first regular session, and to enact in lieu thereof two new sections relating to taxes for districts that provide emergency services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for

SB 756, entitled:

An Act to repeal sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, RSMo, and to enact in lieu thereof twenty-two new sections relating to licensing and registration of certain professionals.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 769**, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof three new sections relating to authorization of additional fund transfers and waivers of certain requirements for school districts meeting certain qualifications, with a termination date for a certain section and an emergency clause.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 769, Section 165.018, Page 2, Line 20, by deleting the word “**eighty**”; and

Further amend said bill, section, and page, Line 21, by deleting the word “**six**” and inserting in lieu thereof the word “**five**”; and

Further amend said bill, page and Section 171.033, Line 18 by deleting the figure “**2005-06**” and inserting in lieu thereof the following: “**2006-07**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 834**, entitled:

An Act to repeal sections 162.700, 162.950, 162.955, 162.961, and 167.020, RSMo, and to enact in lieu thereof four new sections relating to special education, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1086**, entitled:

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1045**, entitled:

An Act to repeal section 516.090, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain actions involving land held by a public utility.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 1122**, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to conveyance of land by certain state universities.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 1165**, entitled:

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution control fees.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Gross moved that the conference committee report on **SCS for HB 1009** be taken up, which motion prevailed.

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, **CCS for SCS for HB 1009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference

committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1010**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1010

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1010.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1010.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	Margaret Donnelly
/s/ Joan Bray	Yaphett El-Amin

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1010**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, the Office of Administration, and several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1011**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1011

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1011.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1011.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Pat Dougherty

/s/ Joan Bray

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Carl Bearden

Margaret Donnelly

Yaphett El-Amin

Senator Gross moved that the above conference committee report be adopted.

At the request of Senator Gross, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1012** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1012**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1013** and has taken up and passed **CCS** for **SCS** for **HB 1013**.

PRIVILEGED MOTIONS

Senator Gross moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1022**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Gross moved that the conference committee report on **SCS** for **HCS** for **HB 1011** be taken up, which motion prevailed.

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Bartle—1

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1011**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 747**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 900**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1117**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 558**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 749**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 828**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 871**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 934**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1016**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1020**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1056**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SB 1094**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1155**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1177**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1207**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 580**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 612**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 618**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 650**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 667, 704, 941, 956 and 987**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 785**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 830**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 845**.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 773**, as amended: Senators Cauthorn, Klindt, Gross, Wheeler and Coleman.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 666**, as amended: Senators Engler, Clemens, Goodman, Graham and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1022**, as amended: Senators Gross, Gibbons, Shields, Graham and Wheeler.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1275**; **HCS** for **HBs 1145, 1359 and 1121**; and **SS** for **SCS** for **HCS** for **HB 1944**, begs leave to report that it has considered the same and recommends that the bills do pass.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1012**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1012

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1012, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee

Substitute for House Bill No. 1012.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1012.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1012, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert Mayer	/s/ Carl Bearden
/s/ Pat Dougherty	Paul LeVota
/s/ Joan Bray	Jim Whorton

Senator Shields assumed the Chair.

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators

Bartle Dougherty—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Scott assumed the Chair.

On motion of Senator Gross, **CCS** for **SCS** for

HCS for **HB 1012**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the joint and interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators

Bartle Dougherty—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1013**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1013

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1013, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1013.
2. That the House recede from its position on House Bill No. 1013.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1013, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Pat Dougherty

/s/ Joan Bray

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Carl Bearden

/s/ Margaret Donnelly

/s/ Rachel Storch

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HB 1013**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and

programs thereof, and to transfer money among certain funds for the period beginning July 1, 2006 and ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Koster moved that **SS** for **SCS** for **HCS** for **HB 1944**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **HCS** for **HB 1944**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Gross—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 1306**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Crowell, **SS** for **SCS** for **HCS** for **HB 1306**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1021, entitled:

An Act to appropriate money to the Office of Administration, Department of Transportation, and Department of Natural Resources, for planning, design, redevelopment, renovation, capital improvements, building purchases including parking and moving expenses, new construction, and other related expenses, to be expended only for the following projects and sites: playgrounds at Mississippi Valley State School and Parkview State School, vocational technical schools in Mexico, St. Charles, Maryville, St. Joseph and Cape Girardeau, infrastructure development at Missouri ports, public health lab in Jefferson City, Missouri State Penitentiary in Jefferson City, building or buildings in St. Louis that are needed to replace office space of existing workers, law enforcement center at Lake Ozark State Park, cemetery at Fort Leonard Wood, new Troop C Headquarters, fuel remediation areas at Fulton State Hospital, Missouri Sexual Offender Treatment Center in Farmington, a new prison at Chillicothe, and appraisals and surveys at state facilities, from the funds designated for the fiscal period beginning July 1, 2006 and ending June 30, 2007.

Was called from the Informal Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HCS for HB**

1021 was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HB 1601, with **SCS**, introduced by Representative Weter, et al, entitled:

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to emergency medical treatment, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Dougherty.

SCS for HB 1601, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1601

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to

emergency medical treatment, with an emergency clause.

Was taken up.

Senator Dougherty moved that **SCS** for **HB 1601** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **HB 1601** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1687, with **SCA 1**, introduced by Representative Wright (137), et al, entitled:

An Act to repeal sections 196.973, 196.979, and 196.981, RSMo, and to enact in lieu thereof three new sections relating to unused prescription drugs, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Champion.

SCA 1 was taken up.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Champion, **HB 1687**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Koster assumed the Chair.

HB 1437, with **SCS**, introduced by Representative Threlkeld, entitled:

An Act to repeal sections 190.350, 190.353, and 190.355, RSMo, and to enact in lieu thereof two new sections relating to poison information and control.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HB 1437**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1437

An Act to repeal sections 190.350, 190.353, 190.355, 192.400, 192.410, and 192.420, RSMo, and to enact in lieu thereof five new sections relating to poison and radiation control.

Was taken up.

Senator Bartle moved that **SCS** for **HB 1437** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 1437** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 1787**, with **SCS**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the guard at home program, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Mayer.

SCS for **HCS** for **HB 1787**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1787

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the guard at home program, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 1787** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 1787** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from the Joplin Globe had been given permission

to take pictures in the Senate Chamber today.

HCS for HB 1762, with **SCS**, entitled:

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled license plates, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for HCS for HB 1762, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1762

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled license plates, with a penalty provision.

Was taken up.

Senator Scott moved that **SCS for HCS for HB 1762** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS for HCS for HB 1762** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill

was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HBs 1382 and 1158, with SCS, entitled:

An Act to repeal sections 301.445, 301.447, 301.451, 301.456, 301.457, 301.464, 301.465, 301.3054, 301.3085, 301.3090, 301.3116, and 301.4000, RSMo, and to enact in lieu thereof thirteen new sections relating to special license plates for military personnel.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

SCS for HCS for HBs 1382 and 1158, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1382 and 1158

An Act to repeal sections 301.445, 301.447, 301.451, 301.456, 301.457, 301.464, 301.465, 301.3054, 301.3085, 301.3090, 301.3116, and 301.4000, RSMo, and to enact in lieu thereof fifteen new sections relating to special license plates for military personnel.

Was taken up.

Senator Ridgeway moved that **SCS for HCS for HBs 1382 and 1158** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS for HCS for HBs 1382 and 1158** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1449, with SCS, entitled:

An Act to repeal section 168.133, RSMo, and to enact in lieu thereof one new section relating to background checks for teachers.

Was called from the Consent Calendar and taken up by Senator Mayer.

SCS for HCS for HB 1449, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1449

An Act to repeal section 168.133, RSMo, and to enact in lieu thereof one new section relating to background checks for teachers.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 1449** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for HCS for HB 1449** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1707, with **SCS**, introduced by Representative Dusenberger, et al, entitled:

An Act to repeal section 193.065, RSMo, and to enact in lieu thereof one new section relating to local registrars.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HB 1707**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1707

An Act to repeal sections 59.170 and 193.065, RSMo, and to enact in lieu thereof two new sections relating to local officials.

Was taken up.

Senator Bartle moved that **SCS** for **HB 1707** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 1707** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1509, with **SCS**, introduced by Representatives Bruns and Wildberger, entitled:

An Act to repeal section 320.202, RSMo, and to enact in lieu thereof one new section relating to the division of fire safety.

Was called from the Consent Calendar and taken up by Senator Vogel.

SCS for **HB 1509**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1509

An Act to repeal section 320.202, RSMo, and to enact in lieu thereof one new section relating to the division of fire safety.

Was taken up.

Senator Vogel moved that **SCS** for **HB 1509**

be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **HB 1509** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from KMIZ-TV had been given permission to take pictures in the Senate Chamber today.

HCS for **HB 977**, with **SCS**, entitled:

An Act to amend chapter 79, RSMo, by adding thereto one new section relating to elective officers in certain cities of the fourth classification.

Was called from the Consent Calendar and taken up by Senator Engler.

SCS for **HCS** for **HB 977**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 977

An Act to repeal section 79.060, RSMo, and to enact in lieu thereof one new section relating to the board of aldermen in fourth class cities.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 977** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 977** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 1440**, with **SCS**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to the cervical cancer awareness and treatment program.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

SCS for HCS for HB 1440, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1440

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to Missouri income tax.

Was taken up.

Senator Ridgeway moved that **SCS for HCS for HB 1440** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS for HCS for HB 1440** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1623, introduced by Representative St.

Onge, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

Was taken up by Senator Stouffer.

Senator Stouffer offered **SS for HB 1623**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1623

An Act to repeal sections 227.240 and 304.230, RSMo, and to enact in lieu thereof four new sections relating to the state highway system, with penalty provisions.

Senator Stouffer moved that **SS for HB 1623** be adopted.

Senator Nodler assumed the Chair.

Senator Goodman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1623, Page 5, Section 227.240, Line 19, by inserting after all of said line the following:

“227.378. The Table Rock Lake bridge on highway 39 in Barry County near the census-designated place of Shell Knob shall be designated the “State Senator Larry Gene Taylor Memorial Bridge”.”; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted.

Senator Coleman raised the point of order that **SS for HB 1623** is out of order as it goes beyond the purpose of the original bill and further that the **SS** violates the single subject provision of the Constitution.

The points of order were referred to the President Pro Tem who took them under advisement, which returned the bill to the Informal

Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1022**, as amended. Representatives: Icet, Bearden, Robb, LeVota and Zweifel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1084**, entitled:

An Act to repeal sections 208.631 and 208.930, RSMo, and to enact in lieu thereof two new sections relating to the sunset provisions for certain assistance programs, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1189**.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1827, introduced by Representative Wasson, et al, entitled:

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to group health insurance.

Was called from the Informal Calendar and taken up by Senator Goodman.

Senator Griesheimer assumed the Chair.

On motion of Senator Goodman, **HB 1827** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 994**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred **HB 1728**, with **SCS**; **HCS** for **HB 1485**, with **SCS**; **HCS** for **HB 1767**, with **SCS**; **HB 1905**; **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, with **SCS**; and **HCS** for **HB 1317** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 2982, regarding Ed Schieber, Oak Grove, which was adopted.

Senator Goodman offered Senate Resolution No. 2983, regarding Vickie Traub, Hollister, which was adopted.

Senator Goodman offered Senate Resolution No. 2984, regarding James Stuart, which was adopted.

Senator Goodman offered Senate Resolution No. 2985, regarding Kim Lansford, which was adopted.

Senator Crowell offered Senate Resolution No. 2986, regarding Chelsey Bollinger, Sedgewickville, which was adopted.

Senator Crowell offered Senate Resolution No. 2987, regarding LeAnn Kuhlmann, Marquand, which was adopted.

Senator Klindt offered Senate Resolution No. 2988, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gerald Everett, Barnard, which was adopted.

Senator Klindt offered Senate Resolution No. 2989, regarding the Sixtieth Wedding Anniversary

of Mr. and Mrs. Charles William Taylor, Maryville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2990, regarding James Trevor Warden, Washington, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2991, regarding Daniel James Green, which was adopted.

Senator Barnitz offered Senate Resolution No. 2992, regarding Stacie Schmidt, Wellsville, which was adopted.

Senator Champion offered Senate Resolution No. 2993, regarding Cynthia A. "Cindy" Rushefsky, Springfield, which was adopted.

Senator Loudon offered Senate Resolution No. 2994, regarding Mike Geisel, which was adopted.

Senator Crowell offered Senate Resolution No. 2995, regarding Amber Rose, Whitewater, which was adopted.

Senator Crowell offered Senate Resolution No. 2996, regarding Emily Henderson, Delta, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

HOUSE BILLS ON THIRD READING

HCS for **HB 1559**, entitled:

An Act to repeal section 192.081, RSMo, and to enact in lieu thereof one new section relating to donation of food.

Was called from the Consent Calendar and taken up by Senator Callahan.

On motion of Senator Callahan, **HCS** for **HB 1559** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Koster Ridgeway—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1858, introduced by Representative Lipke, entitled:

An Act to amend chapter 56, RSMo, by adding thereto one new section relating to prosecuting and circuit attorneys' power to dismiss charges.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 1858** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler

Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Ridgeway—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HBs 1617 and 1374, entitled:

An Act to repeal section 537.347, RSMo, and to enact in lieu thereof one new section relating to landowner liability.

Was called from the Consent Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HCS for HBs 1617 and 1374** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Klindt Ridgeway—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1053, entitled:

An Act to repeal section 610.105, RSMo, and to enact in lieu thereof one new section relating to victim's access to official case records in certain cases in which imposition of sentence is suspended.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **HCS for HB 1053** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS No. 2 for HB 1703, entitled:

An Act to repeal sections 537.620 and 537.640, RSMo, and to enact in lieu thereof two new sections relating to insurance pooling.

Was called from the Consent Calendar and taken up by Senator Bartle.

Senator Bartle requested unanimous consent of the Senate to suspend the rules for the purpose of offering a perfecting amendment, which request was granted.

Senator Bartle offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for House Bill No. 1703, Page 1, Section 537.620, Line 9, by striking the following: “375.949” and inserting in lieu thereof the following: “**375.948**”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bartle, **HCS No. 2 for HB 1703**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Gross—1

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1857, introduced by Representative Lipke, entitled:

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to commencement of prosecution.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 1857** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Green Klindt—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1343, entitled:

An Act to repeal sections 478.337, 478.340, 478.343, 478.347, 478.350, and 478.353, RSMo, relating to provision of local circuit court facilities at Canton in Lewis County, with an effective date.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HCS for HB 1343** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1204, introduced by Representative Roorda, et al, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to duties of jailers.

Was called from the Consent Calendar and taken up by Senator Alter.

On motion of Senator Alter, **HB 1204** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Alter, title to the bill was agreed to.

Senator Alter moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1427, introduced by Representative Johnson (90), et al, entitled:

An Act to repeal section 351.488, RSMo, and to enact in lieu thereof one new section relating to reinstatement of dissolved corporations.

Was called from the Consent Calendar and taken up by Senator Kennedy.

On motion of Senator Kennedy, **HB 1427** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1759, entitled:

An Act to repeal sections 334.706, 334.708, 334.715, and 334.721, RSMo, and to enact in lieu thereof four new sections relating to athletic trainers.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HCS for HB**

1759 was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1739, entitled:

An Act to repeal sections 30.800, 30.810, 30.820, 30.830, 30.840, 30.850, and 348.015, RSMo, and to enact in lieu thereof seven new sections relating to agricultural property loans.

Was called from the Consent Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HCS for HB 1739** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler

Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1222, introduced by Representative Cooper (158), entitled:

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to special deputy coroners and medical examiners.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1222** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Green Klindt—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1491, introduced by Representative Walton, et al, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to medical assistance.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **HB 1491** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Green Klindt—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1515, entitled:

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice.

Was called from the Consent Calendar and taken up by Senator Koster.

On motion of Senator Koster, **HCS for HB 1515** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

HCS for HB 1344, entitled:

An Act to repeal section 87.260, RSMo, and to enact in lieu thereof one new section relating to the firefighter's retirement and relief system, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Coleman.

On motion of Senator Coleman, **HCS for HB 1344** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Green Klindt—3

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1552, entitled:

An Act to amend chapter 42, RSMo, by adding thereto one new section relating to veterans.

Was called from the Consent Calendar and taken up by Senator Wilson.

On motion of Senator Wilson, **HCS for HB 1552** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Green Klindt—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1138, entitled:

An Act to repeal sections 86.1110, 86.1140, 86.1490, and 86.1500, RSMo, and to enact in lieu thereof four new sections relating to police military leave.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

On motion of Senator Ridgeway, **HCS for HB 1138** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler—30		

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1256, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Rosa Parks day in Missouri.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **HCS for HB 1256** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1488, introduced by Representative Roorda, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Kennedy.

On motion of Senator Kennedy, **HB 1488** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty	Green	Klindt—3
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Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1180, entitled:

An Act to repeal section 167.231, RSMo, and to enact in lieu thereof one new section relating to student transportation.

Was called from the Consent Calendar and taken up by Senator Bray.

On motion of Senator Bray, **HCS for HB 1180** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1234, introduced by Representative Loehner, et al, entitled:

An Act to repeal sections 335.212 and 335.233, RSMo, and to enact in lieu thereof two new sections relating to the nursing student loan program.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HB 1234** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster

Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1245, introduced by Representative Sater, et al, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to school nurses.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 1245** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1732, introduced by Representative Fraser, et al, entitled:

An Act to repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to the possession and self-administration of medications by pupils.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **HB 1732** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Days, title to the bill

was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1494, introduced by Representative Emery, et al, entitled:

An Act to repeal section 327.391, RSMo, and to enact in lieu thereof two new sections relating to licensing of engineers and professional land surveyors.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1494** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1393, introduced by Representative Behnen, et al, entitled:

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to secondary employment for the members of the Missouri state highway patrol.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 1393** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 983, introduced by Representative Meadows, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to display of flags on September eleventh.

Was called from the Consent Calendar and taken up by Senator Alter.

On motion of Senator Alter, **HB 983** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Alter, title to the bill was agreed to.

Senator Alter moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 984, introduced by Representative Meadows, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the display of the POW/MIA flag.

Was called from the Consent Calendar and taken up by Senator Alter.

On motion of Senator Alter, **HB 984** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Alter, title to the bill was agreed to.

Senator Alter moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1715, introduced by Representative Pratt, entitled:

An Act to repeal sections 351.295, 351.355, and 351.455, RSMo, and to enact in lieu thereof three new sections relating to corporations.

Was called from the Consent Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HB 1715** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Drew Frizzell, Trevor Lair, Terry Coult and Ken Stull,

Chillicothe.

Senator Goodman introduced to the Senate, fifty eighth grade students from Reeds Spring Middle School; and Ben Selby, Tim Stumpff, Hattie Michaud and Kallie Weydert were made honorary pages.

Senator Klindt introduced to the Senate, Darr Jenkins and Michael Taylor, Andrew County.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

Senator Klindt introduced to the Senate, Youth in Government students, Will Haer, Scott Anderson, Lauren Geiger, Cassay Carlson, Molly Mathews, Amanda Yocum, Miles Freborg and Kevin Lang.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SIXTH DAY—THURSDAY, MAY 4, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HBs 1145, 1359 & 1121 (Scott)
2. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight)
3. HCS for HB 1275 (Goodman)
4. HB 1105-Wilson (119), et al (Scott)

5. HCS for HB 1380, with SCS (Stouffer)
6. HB 1320-Lipke, et al (Gibbons)
7. HB 1728-Rector, et al, with SCS
(Klindt) (In Fiscal Oversight)
8. HCS for HB 1900 (Shields)

- | | |
|--|---|
| 9. HCS for HB 1485, with SCS (Ridgeway)
(In Fiscal Oversight) | 14. HCS for HBs 1698, 1236, 995, 1362 &
1290, with SCS (Bartle)
(In Fiscal Oversight) |
| 10. HCS for HB 1767, with SCS (Bartle)
(In Fiscal Oversight) | 15. HCS for HB 1182 (Nodler) |
| 11. HB 1118-Dempsey, et al, with SCS#2
(Shields) | 16. HCS for HB 1317 (Goodman)
(In Fiscal Oversight) |
| 12. HB 1905-Jetton, et al (Champion)
(In Fiscal Oversight) | 17. HB 1504-Yates, with SCS (Loudon) |
| 13. HCS for HB 1534 (Bartle) | 18. HCS for HB 1168, with SCS (Crowell) |
| | 19. HB 994-Dusenberg, et al (Cauthorn) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 566-Dougherty, et al, with SCS &
SS for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS &
SA 3 (pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS &
SA 1 (pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with
SCS & SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| HCS for HB 978, with SCS (pending)
(Goodman) | HCS for HB 1367, with SCS (Scott) |
| HCS for HB 1026, with SCS (Shields) | HB 1411-Smith (150), et al, with SCS (Scott) |
| HCS for HBs 1030, 1033, 1146, 1225 &
1326, with SCS (Bartle) | HB 1446-Whorton, et al (Barnitz) |
| HCS for HB 1149, with SCS#2 (Klindt) | HCS for HB 1456, with SCS, SS for SCS &
SA 1 (pending) (Ridgeway) |
| | HB 1521-Richard, et al (Griesheimer) |

HCS for HB 1532, with SCS (Griesheimer)
HB 1623-St. Onge, et al, with SS, SA 1 &
points of order (pending) (Stouffer)
HCS for HB 1632, with SCS (Engler)

HCS for HB 1742, with SCS (Shields)
HB 1936-Tilley, with SCS (Stouffer)
HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)
HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HCS for HB 1511, with SCS (Shields)
HB 998-Smith (118) (Scott)
HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)
HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)
HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)
HB 1144-May, et al (Clemens)
HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SB 583-Griesheimer,
with HCS

SCS for SB 614-Stouffer & Goodman,
with HCS, as amended

SB 725-Bray, et al, with HCS
 SCS for SB 756-Clemens, with HCS
 SCS for SB 769-Mayer, with HCS,
 as amended
 SB 819-Scott, with HCS
 SB 834-Nodler, with HCS
 SB 840-Stouffer, with HCS, as amended
 SB 893-Scott, with HCS

SB 980-Clemens, with HCS, as amended
 SB 1017-Clemens, with HCS, as amended
 SB 1045-Goodman, with HCS
 SB 1084-Gibbons, with HCS
 SCS for SB 1086-Kennedy, et al, with HCS
 SCS for SB 1122-Shields, with HCS
 SB 1165-Klindt, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS,
 as amended
 SCS for SB 773-Cauthorn and Barnitz,
 with HCS, as amended
 SCS for SB 932-Scott, with HCS
 SCS for SBs 1001, 896 & 761-Griesheimer,
 with HCS, as amended

HCS for HB 1022, with SCS, as amended
 (Gross)
 HCS for HBs 1270 & 1027, with SCS,
 as amended (Cauthorn)
 HB 1865-Bearden, et al, with SCS,
 as amended (Shields)

RESOLUTIONS

Reported from Committee

SR 2363-Gross
 HCR 25-Bowman, et al (Days)
 HCR 17-Quinn, et al (Stouffer)
 HCR 15-Jetton, et al
 HCR 12-Portwood (Griesheimer)

HCR 9-Ruestman, et al (Ridgeway)
 HCR 4-Bruns
 HCR 37-Loehner, et al (Barnitz)
 HCR 10-Zweifel, et al
 SR 2741-Wilson

MISCELLANEOUS

REMONSTRANCE 1-Gross

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY—THURSDAY, MAY 4, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Nevertheless, amid the greatest difficulties of my Administration, when I could not see any other resort, I would place my whole reliance on God, knowing that all would go well, and that He would decide for the right.” (Abraham Lincoln, October 24, 1863)

Gracious God, we gather in prayer with many in our nation this day remembering Your admonishment to bring all things to You in prayer. And so today, as we again deal with the various difficulties that face us, help us to rely on You, knowing that You will decide what is right for us and guide and direct our hearts and minds in all we do and say. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, MO

Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 2nd Senatorial District in the State of Missouri, on the 4th day of April, 2006, as provided by law, the following named person was elected to the office of State Senate, 2nd Senatorial District as shown by the election results certified to this office by the election authorities of

the 2nd Senatorial District.

Name	Office
Scott T. Rupp	State Senate
3107 Bear View Ct.	2nd Senatorial District
Wentzville, MO 63385	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 3rd day of May, 2006.

SEAL /s/ Robin Carnahan
Secretary of State

Senator Shields announced that photographers from the Senate had been given permission to take flash photography in the Senate Chamber today.

President Pro Tem Gibbons assumed the Chair.

Senator Rupp was escorted to the dais and received the oath of office.

President Kinder assumed the Chair.

Senator Shields announced that photographers from the St. Louis Post-Dispatch had been given permission to take pictures in the Senate Chamber today.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of allowing Senator Rupp to introduce special guests.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1317**; **HCS** for **HB 1485**, with **SCS**; **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, with **SCS**; **HB 1728**, with **SCS**; **HCS** for **HB 1767**, with **SCS**; and **HB 1905**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

David A. Poggemeier, M.D., Republican, as a member of the State Board of Registration for the Healing Arts;

Also,

Jeffrey L. Cox, as a member of the Child Abuse and Neglect Review Board;

Also,

Sam Schneider and Ben D. Chlapek, as members of the State Advisory Council on Emergency Medical Services;

Also

Mark E. Skrade, Psy.D., as a member of the Missouri Area Health Education Centers Council;

Also,

Kathy R. Thornburg, Theresa Mayberry-Dunn and Sharon E. Rohrbach, as members of the Coordinating Board for Early Childhood Development;

Also,

John S. Korte and Betty P. Council, as members of the Missouri Head Injury Advisory Council;

Also,

Terry M. Jarrett, as a member of the Administrative Hearing Commission;

Also,

Anthony "Tony" Stafford, as a member of the Citizens' Advisory Commission for Marketing

Missouri Agricultural Products;

Also,

Philip T. Treacy, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Mark C. Thompson, as a member of the Kansas City Board of Police Commissioners;

Also,

Nimrod T. Chapel Jr., as the Director of the Department of Labor and Industrial Relations;

Also,

Kenneth T. Conlee, as a member of the Peace Officer Standards and Training Commission;

Also,

Thomas F. Myers, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Gregory A. Pottberg, as a member of the Missouri Fire Safety Advisory Board;

Also,

Mary Lou Hart and Robbie L. Brouk, as members of the Advisory Commission for Clinical Perfusionists;

Also,

Daniel E. Champion, Democrat, as a member of the Missouri Commission on Human Rights;

Also,

Phillip W. Schwarz, as student representative of Linn State Technical College Board of Regents;

Also,

Eric C. Norris, as the student representative and David H. Jones, as a member of the Missouri Southern State University Board of Governors;

Also,

Harriet A. Beard, as a member of the Well Installation Board;

Also,

Ann R. Bannes, Democrat, as a member of the State Board of Senior Services;

Also,

Jack Lary, Republican, as a member of the Board of Election Commissioners for Saint Louis City;

Also,

Brad G. Mitchell, Democrat, and John P. King, Republican, as members of the Missouri Ethics Commission;

Also,

Thomas G. Heinsz, as a member of the Saint Charles County Convention and Sports Facilities Authority;

Also,

Jessica L. Melching, as a member of the Organ Donation Advisory Committee;

Also,

Christopher A. Gordon and David E. Richards, as members of the State Historical Records Advisory Board;

Also,

Guy C. Gilbert, as a member of the Board of Geologist Registration;

Also,

James R. Person, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Jeanne M. Daffron, as a member of the Life Sciences Research Board;

Also,

James M. DiPardo, Democrat, as a member of the Land Reclamation Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one

motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Scott, **HCS** for **HBs 1145, 1359** and **1121** was placed on the Informal Calendar.

HCS for **HB 1275** was placed on the Informal Calendar.

Senator Ridgeway assumed the Chair.

At the request of Senator Scott, **HB 1105** was placed on the Informal Calendar.

At the request of Senator Stouffer, **HCS** for **HB 1380**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **HB 1320** was placed on the Informal Calendar.

HB 1728, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **HCS** for **HB 1900** was placed on the Informal Calendar.

HCS for **HB 1485**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bartle, **HCS** for **HB 1767**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **HB 1118**, with **SCS No. 2**, was placed on the Informal Calendar.

HB 1905 was placed on the Informal Calendar.

At the request of Senator Bartle, **HCS** for **HB 1534** was placed on the Informal Calendar.

HCS for **HBs 1698, 1236, 995, 1362** and **1290**, with **SCS**, entitled:

An Act to repeal sections 217.735, 544.671, 547.170, 558.018, 559.106, 566.010, 566.030, 566.032, 566.060, 566.062, 566.083, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.015, 589.414, 589.425, 632.484, 632.489, and 632.495, RSMo, and to enact in lieu thereof thirty-five new sections relating to sexual offenders, with penalty provisions.

Was taken up by Senator Bartle.

SCS for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1698, 1236, 995,
1362 and 1290

An Act to repeal sections 43.650, 547.170, 556.061, 558.018, 559.100, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-three new sections relating to sexual offenders, with penalty provisions and an emergency clause.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290** be adopted.

Senator Bartle offered **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1698, 1236, 995,
1362 and 1290

An Act to repeal sections 43.650, 217.735, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151,

568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-five new sections relating to sexual offenders, with penalty provisions and an emergency clause.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362 and 1290** be adopted.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 22, Section 566.030, Line 28 of said page, by inserting after “compulsion.” the following: **“Nothing in this section shall preclude the prosecution of a lesser or alternate offense if the victim is a child less than twelve years of age.”**; and

Further amend said bill, Page 24, Section 566.060, Line 7 of said page, by inserting after “compulsion.” the following: **“Nothing in this section shall preclude the prosecution of a lesser or alternate offense if the victim is a child less than twelve years of age.”**.

Senator Bartle moved that the above amendment be adopted.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

At the request of Senator Bartle, **HCS** for **HBs 1698, 1236, 995, 1362 and 1290**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

A quorum was established by the following vote:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2997, regarding Joshua Holland, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2998, regarding Carl S. Yendes, Jr., Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2999, regarding Luke Sherman, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 3000, regarding Kyle Pavlin, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 3001, regarding Benjamin Bloom, Springfield, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 3002, regarding Brenda D. Newberry, St. Charles, which was adopted.

Senator Goodman offered Senate Resolution No. 3003, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Clotfelter, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 3004, regarding Pierce City High School, which was adopted.

Senator Klindt offered Senate Resolution No. 3005, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Charlie Yates, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 3006, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Fansher, Savannah, which was adopted.

Senator Stouffer offered Senate Resolution No. 3007, regarding Lindsay Grotjan, which was adopted.

Senator Stouffer offered Senate Resolution No. 3008, regarding Traci Harr, which was adopted.

Senator Stouffer offered Senate Resolution No. 3009, regarding Sarah Jackson, which was adopted.

Senator Stouffer offered Senate Resolution No. 3010, regarding Michael Maxwell, Excelsior Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 3011, regarding Shana Atkinson, which was adopted.

Senator Stouffer offered Senate Resolution No. 3012, regarding Madelynn Thomas, which was adopted.

Senator Stouffer offered Senate Resolution No. 3013, regarding Whitney Miller, which was adopted.

Senator Stouffer offered Senate Resolution No. 3014, regarding Clayton Thompson, which was adopted.

Senator Stouffer offered Senate Resolution No. 3015, regarding Jessica McCormack, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, entitled:

An Act to repeal sections 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.631, and 115.637, RSMo, and to enact in lieu thereof twenty-one new sections relating to election administration, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1 to House Amendment No. 1; House Amendment No. 3 to House Amendment No. 1; House Amendment No. 1, as amended; House Amendment No. 1 to House Amendment No. 2; House Amendment No. 2, as amended; House Amendment No. 1 to House Amendment No. 3; House Amendment No. 3, as amended; House Amendment No. 5; House Amendment No. 1 to House Amendment No. 7; and House Amendment No. 7, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 2, Line 29, by inserting after said line the following:

Further amend section 115.456, Page 31, Line 43, by inserting after the word “oval” on said line the following: “**or divided arrow**”

HOUSE AMENDMENT NO. 3 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills

Nos. 1014 and 730, by inserting after Page 2, Line 17, Section 115.427 the following:

“Amend Page 16, Section 115.427, Line 93, by deleting all of said line and inserting in lieu thereof the following: **“section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state Internet web sites of the secretary of state and governor.”**; and

Further amend said bill, Page 19, Section 115.427, Line 184 by deleting the number **“6”** and insert in lieu thereof **“5”**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Section 115.002, Page 1, Line 1, by inserting after **“115.002,”** on said line the following: **“115.024,”**; and

Further amend said bill, Section 115.024, Page 3, Line 44, by inserting after said section the following:

“115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal [and board of trustees of community college districts] elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the

contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.”; and

Further amend said bill, Section 115.427, Page 15, Lines 32 to 34 by deleting all of said lines and inserting in lieu thereof the following:

“(4) Any identification containing a photographic or digital image of the individual which is issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States armed forces and that does not have an expiration

date.”; and

Further amend said bill, Section 115.445, Page 27, Line 17 by deleting from said line the word “**Children**” and inserting in lieu thereof the phrase “**A child**”; and

Further amend said bill, Section 115.456, Page 30, Line 5 by deleting from said line the word “**chad**” and inserting in lieu thereof the word “**chads**”; and

Further amend said bill, Section 115.631, Page 35, Line 82 by deleting from said line the word “**threatened**” and inserting in lieu thereof the phrase: “**threatening an**”; and

Further amend said bill, Section 115.631, Page 35, Line 84 by deleting the word “**provide**” and inserting in lieu thereof the word “**providing**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 2, Section 115.105, Line 13, by deleting 13, 14 and on Line 15 the words “such identification period.”; and put in its place: “**Any challenge by a challenger to a voter’s identification for validity shall only be made to the election judge or other election authority.**”

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Section 115.024, Page 3, Line 44 by inserting after all of said line the following:

“115.105. 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each

location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such

challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

6. Challengers shall not have the authority to review a voters' photographic identification for validity, but may make a challenge or report with the election judge regarding the validity of such identification. If the poll challenger is not satisfied with the decision of the election judge, then he or she may report their belief that the election laws of this state have been or will be violated to the election authority as allowed under section 115.105, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 1, Line 4 by inserting after the words “each election,” on said line the following: **“held in a county with a charter form of government”**; and

Further amend said amendment, Page 1, Line 6 by inserting after the word “election.” on said line the following:

“For each election except a general election held in any county without a charter form of government, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county without a charter form of government, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at

least one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 12, Section 115.247, Lines 9 through 23 by deleting all of said lines and insert the following:

“3. For each election, the election authority [shall] may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. The election authority shall keep a record of the exact number of ballots delivered to each polling place. For purposes of this subsection, the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.”; and

Further amend said bill, Page 13, Section 115.247, Line 25 by placing and opening bracket “[” before the word “All”; and

Further amend said bill, Page 13, Section 115.247, Line 28 by placing a closing bracket “]” after the word “authority.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee

Substitute for Senate Bills Nos. 1014 and 730, Pages 35 to 37, Section 115.637, Lines 1 to 76, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 1, Line 16 by inserting after all of said line the following:

“Further amend said bill, Section 115.427, Page 19, Line 183 by inserting after said line the following:

“15. The provisions of subdivision 5 of subsection 1, subsection 3, and subsection 4 of this section shall expire December 1, 2006.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Section 115.427, Page 15, Line 34 by inserting after all of said line the following:

“(5) Personal identification of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.”; and

Further amend Section 115.427, Page 15, Line 57 by deleting from said line the word “provisional” and inserting in lieu thereof the word

“regular”; and further amend said section, Page 15, Lines 57 through 61 by deleting all language on said lines after the word “ballot.” on Line 57; and further amend said section, Page 16, Line 80 by deleting the word “provisional” and inserting in lieu thereof the word **“regular”**; and further amend Page 16, Lines 82 through 89 by deleting all of said lines from the bill; and

Further amend Section 115.427, Page 18, Lines 151 through 155 by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Bartle moved that **HCS for HBs 1698, 1236, 995, 1362 and 1290**, with **SCS, SS for SCS and SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Bartle, **SA 1** was withdrawn.

Senator Bartle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Pages 34-35, Section 568.060, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 35, Section 568.060, Line 3 of said page, by inserting immediately after said line the following:

“573.010. As used in this chapter the following terms shall mean:

(1) “Child”, any person under the age of fourteen;

(2) “Child pornography”[,]:

(a) Any obscene material or performance depicting sexual conduct, sexual contact, or a sexual performance, as these terms are defined in section 556.061, RSMo, and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a [child] **minor** under the age of eighteen; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

c. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct;

(3) “Displays publicly”, exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal

unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;

(4) “Explicit sexual material”, any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(5) “Furnish”, to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

(6) **“Graphic”, when used with respect to a depiction of sexually explicit conduct, that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted;**

(7) **“Identifiable minor”:**

(a) A person:

a. (i) Who was a minor at the time the visual depiction was created, adapted, or modified; or

(ii) Whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

b. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(b) The term shall not be construed to require proof of the actual identity of the identifiable minor;

(8) **“Indistinguishable”, when used with**

respect to a depiction, virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. Indistinguishable does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults;

(9) “Material”, anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. “Material” includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

[(7)] (10) “Minor”, any person under the age of eighteen;

[(8)] (11) “Nudity”, the showing of postpubertal human genitals or pubic area, with less than a fully opaque covering;

[(9)] (12) “Obscene”, any material or performance is obscene if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

[(10)] (13) “Performance”, any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

[(11)] (14) “Pornographic for minors”, any material or performance is pornographic for

minors if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

[(12)] (15) “Promote”, to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

[(13)] (16) “Sadomasochistic abuse”, flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

[(14)] (17) “Sexual conduct”, actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

(18) “Sexually explicit conduct”, actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex:

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

[(15)](19) “Sexual excitement”, the condition of human male or female genitals when in a state of sexual stimulation or arousal;

(20) “Visual depiction”, includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;

[(16)] (21) “Wholesale promote”, to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 38, Section 589.400, Line 17, by inserting immediately after said line the following:

“2. Notwithstanding the provisions of subsection 1 of this section, the court shall have discretion over whether a person shall be required to register under sections 589.400 to 589.425 if such person is nineteen years of age or younger and the victim is thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense.”; and

further amend said bill, said section, page 40, line 21, by striking the word “fourteen” and inserting in

lieu thereof the word **“thirteen”**; and

further renumber the remaining subsections accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 22, Section 566.010, Line 20, by inserting immediately after said line the following:

“566.020. 1. Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2. Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

3. Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

4. Consent is not an affirmative defense to any offense under Chapter 566 if the alleged victim is less than twelve years of age.”; and

Further amend said bill, said page, Section 566.030, lines 27-28, by striking all of said lines; and further amend said bill and section, page 23, line 14, by striking the words “twenty-five” and inserting in lieu thereof the word **“thirty”**; and

Further amend said bill, page 24, Section 566.060, lines 5-7, by striking all of said lines and

inserting in lieu thereof the following “sexual intercourse.”; and further amend said bill, section and page, line 20, by striking the words “twenty-five” and inserting in lieu thereof the word “**thirty**”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 33, Section 566.213, Line 14, by inserting immediately after said line the following:

“566.265. If a corporation or other business pleads guilty to or is found guilty of violating section 566.203, 566.206, 566.209, 566.212, 566.213, or 566.215, in addition to the criminal penalties described in such sections and other remedies provided for by law, the court may:

- (1) Order its dissolution or reorganization;**
- (2) Order the suspension or revocation of any license, permit, or prior approval granted to it by the state;**
- (3) Order the surrender of its charter if it is organized under Missouri law or the revocation of its certificate to conduct business in Missouri if it is not organized under Missouri law.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 33, Section 566.213, Line 14, by inserting immediately after said line the following:

“567.085. 1. A person commits the crime of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section 567.010.

2. The crime of promoting travel for prostitution is a class C felony.

567.087. 1. No travel agency or charter tour operator shall:

(1) Promote travel for prostitution under section 567.085;

(2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel:

(a) For the purpose of engaging in a commercial sex act as defined in section 566.200, RSMo;

(b) That consists of tourism packages or activities using and offering any sexual contact as defined in section 566.010, RSMo, as enticement for tourism; or

(c) That provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services.

2. There shall be a rebuttable presumption that any travel agency or charter tour operator using advertisements that include the term “sex tours” or “sex travel” or include depictions of human genitalia is in violation of this section.

567.089. 1. No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution.

2. Upon violation of this section by a travel

agency or charter tour operator, the secretary of state shall revoke the articles of incorporation of the travel agency or charter tour operator. The secretary of state, as part of a proceeding brought under this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362 and 1290**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362 and 1290** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Stouffer moved that **SCS** for **SB 614**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 614**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 614

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

Was taken up.

Senator Stouffer moved that **HCS** for **SCS** for **SB 614**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Stouffer, **HCS for SCS for SB 614**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

Bill ordered enrolled.

Senator Clemens moved that **SB 980**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 980, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 980

An Act to repeal sections 335.212 and 335.233, RSMo, and to enact in lieu thereof three new sections relating to certain nursing and teaching student assistance programs.

Was taken up.

Senator Clemens moved that **HCS for SB 980**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Clemens, **HCS for SB 980**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SS No. 2 for SCS for SB 583**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS No. 2 for SCS for SB 583, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, and to enact in lieu thereof fifteen new sections relating to the state emissions inspection program, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Griesheimer moved that **HCS for SS**

No. 2 for SCS for SB 583, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bray	Cauthorn	Dougherty	Graham
Klindt—5			

Absent—Senator Koster—1

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Griesheimer, **HCS for SS No. 2 for SCS for SB 583**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bray	Dougherty	Graham	Klindt—4
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the

bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Clemens moved that **SB 1017**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1017**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1017

An Act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof five new sections relating to agricultural programs.

Was taken up.

Senator Clemens moved that **HCS** for **SB 1017**, as amended, be adopted.

At the request of Senator Clemens, the above motion was withdrawn.

Senator Koster assumed the Chair.

Senator Clemens moved that the Senate refuse to concur in **HCS** for **SB 1017**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crowell assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 4, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office submitted to you for your advice and consent:

Edwin S. Fryer, 25 Foreway Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Bernard Orman, term expired.

Earl Wilson, Democrat, 8027 Bennett Street, Saint Louis, Saint Louis County, Missouri 63117, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Pearlie Evans, term expired.

Lydia H. McEvoy, Republican, 1409 Northeast 102nd Terrace, Kansas City, Clay County, Missouri 64155, as a member of Central Missouri State University Board of Governors, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, Jennifer Hill-Nixon, term expired.

Ronald W. Randen, Post Office Box 91, 195 Street Highway 153, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2009, and until his successor is duly appointed and qualified; vice, Robert Honan, term expired.

Vern Henderson, Republican, 8318 Orchard, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2011, and until his successor is duly appointed and qualified; vice, Norma Stack, term expired.

Craig Westfall, 4671 Highway H, Half Way, Polk County, Missouri 65663, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Craig Westfall, withdrawn.

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice Francis G. Slack, withdrawn.

Donald L. Hiatte, 3988 County Road 436, New Bloomfield, Callaway County, Missouri 65063, as a member and chair of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, James Anderson, term expired.

Andrea Segura, 406 Kingsley, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2006, and until her successor is duly appointed and qualified; vice, Sandy Drummond,

term expired.

Nuzhat Nisar, M.D., 104 Country Creek Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Children's Trust Fund Board, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, Shawn Griffin, term expired.

Rebecca R. Steele, 1516 Maple Street, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until her successor is duly appointed and qualified; vice, 191.980, RSMo.

Michael D. McCunniff, D.D.S., 1105 Northeast Trailwood, Lee's Summit, Jackson County, Missouri 64086, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until his successor is duly appointed and qualified; vice, 191.980, RSMo.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointments be returned to the Governor per his request, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1349**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1619**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1092**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1059**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 1035**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1837**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 1944**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Koster moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS**

for **HB 1944**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1944**, as amended: Senators Koster, Gibbons, Shields, Coleman and Kennedy.

RESOLUTIONS

Senator Alter offered Senate Resolution No. 3016, regarding Conrad Smith, which was adopted.

Senator Scott offered Senate Resolution No. 3017, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Ragland, Clinton, which was adopted.

Senator Scott offered Senate Resolution No. 3018, regarding Carolyn L. Moree, which was adopted.

Senator Scott offered Senate Resolution No. 3019, regarding Jill McCracken, which was adopted.

Senator Goodman offered Senate Resolution No. 3020, regarding Mary Jane Proffit, which was adopted.

Senator Goodman offered Senate Resolution No. 3021, regarding Janith Sullens, which was adopted.

Senator Goodman offered Senate Resolution No. 3022, regarding Connie Curbow, which was adopted.

Senator Gibbons offered Senate Resolution No. 3023, regarding Ryan James Molitor, Valley Park, which was adopted.

Senator Rupp offered Senate Resolution No. 3024, regarding Frank Nelly, O'Fallon, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

May 4, 2006

The Honorable Michael R. Gibbons

President Pro Tem - Missouri Senate

State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator Gibbons:

Effective this date I am submitting my resignation as a member of the Small Business, Insurance and Industrial Relations Committee.

Thank you for your consideration in regard to this matter.

Sincerely,

/s/ John Cauthorn

John Cauthorn

State Senator, 18th District

Also,

May 4, 2006

Mrs. Terry Spieler

Secretary of the Senate

State Capitol Building

Jefferson City, MO 65101

Re: Appointment to Senate Transportation Committee

Dear Mrs. Spieler:

Please be advised I have appointed **Senator Scott Rupp** to the Senate Transportation Standing Committee.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

May 4, 2006

Mrs. Terry Spieler

Secretary of the Senate

State Capitol Building

Jefferson City, MO 65101

Re: Appointment to Senate Financial and Governmental Organizations and Elections Committee

Dear Mrs. Spieler:

Please be advised I have appointed **Senator Scott Rupp** to the Senate Financial and Governmental Organizations and Elections Standing Committee.

If you have any questions, please feel free to contact me at your

earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

May 4, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Re: Appointment to Senate Small Business, Insurance & Industrial Relations Committee

Dear Mrs. Spieler:

Please be advised I have appointed **Senator Scott Rupp** to replace Senator John Cauthorn on the Senate Small Business, Insurance & Industrial Relations Standing Committee.

If you have any questions, please feel free to contact me at your

earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Rupp introduced to the Senate, his wife, Natalie, Wentzville; his father, Chet Rupp and Matthew Seeds, St. Charles; Weston McKee, St. Louis County; and Angela Baumann, Kirkwood.

Senator Gross introduced to the Senate, Doug Wagner and Tom King and seventh grade students from Immanuel Lutheran School, St. Charles.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Friday, May 5, 2006.

SENATE CALENDAR

SIXTY-SEVENTH DAY—FRIDAY, MAY 5, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight) | 7. HCS for HB 1349, with SCS (Clemens) |
| 2. HCS for HB 1182 (Nodler) | 8. HB 1619-Sutherland, et al, with SCS |
| 3. HCS for HB 1317 (Goodman) | 9. HCS for HB 1092, with SCS (Ridgeway) |
| 4. HB 1504-Yates, with SCS (Loudon) | 10. HCS for HB 1059 |
| 5. HCS for HB 1168, with SCS (Crowell) | 11. HB 1035-Young (49), et al |
| 6. HB 994-Dusenbergl, et al (Cauthorn) | 12. HCS for HB 1837, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS
for SCS (pending)
SB 617-Koster, with SCS
SB 635-Cauthorn
SB 637-Cauthorn, et al, with SCS & SA 3
(pending)
SB 642-Scott
SB 655-Nodler, with SCS
SBs 665 & 757-Engler, with SCS & SA 1
(pending)
SB 687-Scott and Bartle, with SCS
SB 736-Crowell and Cauthorn, with SCS
SB 759-Engler
SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending)

SB 817-Scott, et al
SB 841-Ridgeway, et al, with SCS
SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)
SB 862-Engler, with SCS
SB 998-Champion, with SCS
SB 1009-Klindt, with SS (pending)
SB 1038-Mayer
SB 1049-Shields, with SCS
SB 1092-Klindt, with SCS
SB 1104-Cauthorn and Klindt, with SCS
SB 1114-Goodman & Loudon, with SCS
SB 1188-Gibbons
SB 1217-Goodman
SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (pending)
(Goodman)
HCS for HB 1026, with SCS (Shields)
HCS for HBs 1030, 1033, 1146, 1225 &
1326, with SCS (Bartle)
HB 1105-Wilson (119), et al (Scott)
HB 1118-Dempsey, et al, with SCS#2
(Shields)
HCS for HBs 1145, 1359 & 1121 (Scott)
HCS for HB 1149, with SCS#2 (Klindt)
HCS for HB 1275 (Goodman)
HB 1320-Lipke, et al (Gibbons)
HCS for HB 1367, with SCS (Scott)
HCS for HB 1380, with SCS (Stouffer)
HB 1411-Smith (150), et al, with SCS (Scott)
HB 1446-Whorton, et al (Barnitz)

HCS for HB 1456, with SCS, SS for SCS &
SA 1 (pending) (Ridgeway)
HCS for HB 1485, with SCS (Ridgeway)
HB 1521-Richard, et al (Griesheimer)
HCS for HB 1532, with SCS (Griesheimer)
HCS for HB 1534 (Bartle)
HB 1623-St. Onge, et al, with SS, SA 1 &
points of order (pending) (Stouffer)
HCS for HB 1632, with SCS (Engler)
HB 1728-Rector, et al, with SCS (Klindt)
HCS for HB 1742, with SCS (Shields)
HCS for HB 1767, with SCS (Bartle)
HCS for HB 1900 (Shields)
HB 1905-Jetton, et al (Champion)
HB 1936-Tilley, with SCS (Stouffer)
HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HCS for HB 1511, with SCS (Shields)

HB 998-Smith (118) (Scott)

HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)

HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)

HB 1424-Franz (Purgason)

HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)

HCS for HB 1037 (Klindt)

HB 1144-May, et al (Clemens)

HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)

HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)

HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 725-Bray, et al, with HCS

SCS for SB 756-Clemens, with HCS

SCS for SB 769-Mayer, with HCS, as
amended

SB 819-Scott, with HCS

SB 834-Nodler, with HCS

SB 840-Stouffer, with HCS, as amended

SB 893-Scott, with HCS

SS#2 for SCS for SBs 1014 & 730-Scott,
with HCS, as amended

SB 1045-Goodman, with HCS

SB 1084-Gibbons, with HCS

SCS for SB 1086-Kennedy, et al, with HCS

SCS for SB 1122-Shields, with HCS

SB 1165-Klindt, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS, as
amended

SCS for SB 773-Cauthorn and Barnitz,
with HCS, as amended

SCS for SB 932-Scott, with HCS

SCS for SBs 1001, 896 & 761-Griesheimer,
with HCS, as amended

HCS for HB 1022, with SCS, as amended
(Gross)

HCS for HBs 1270 & 1027, with SCS, as
amended (Cauthorn)

HB 1865-Bearden, et al, with SCS, as
amended (Shields)

HCS for HB 1944, with SS for SCS, as
amended (Koster)

Requests to Recede or Grant Conference

SB 1017-Clemens, with HCS, as amended
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

HCR 25-Bowman, et al (Days)

HCR 17-Quinn, et al (Stouffer)

HCR 15-Jetton, et al

HCR 12-Portwood (Kennedy)

HCR 9-Ruestman, et al (Ridgeway)

HCR 4-Bruns

HCR 37-Loehner, et al (Barnitz)

HCR 10-Zweifel, et al (Loudon)

SR 2741-Wilson

MISCELLANEOUS

REMONSTRANCE 1-Gross

T

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SEVENTH DAY—FRIDAY, MAY 5, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

C.I. Sholfield wrote: "I like to be able to think of people who deeply interest me in their homes. Downtown we are all alike, but at home we are just ourselves...At home we are at ease: we throw off care: we are understood, and loved and welcome."

Loving Father, we desire to wrap up the work of this long week knowing there is much yet to be accomplished but we want to go home and be at ease with those we love and share some time just being ourselves as we are truly known there and loved for who we truly are. Help us be mindful of how our absence is experienced by those left behind and help us make an extra effort to be truly with them and listen to them. And may we be found in Your house Holy Father hearing Your Word and abiding in Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 696**, entitled:

An Act to repeal sections 32.100, 32.111, 32.105, 32.110, 32.115, 32.117, 32.120, 33.282, 41.655, 41.1010, 42.007, 84.240, 99.845, 99.847, 99.918, 99.960, 99.963, 99.975, 99.980, 99.1045, 99.1048, 99.1082, 99.1090, 99.1092, 100.255,

100.275, 100.281, 100.286, 100.297, 100.760, 135.400, 135.403, 135.460, 135.700, 135.766, 135.800, 135.903, 135.950, 135.967, 160.053, 168.021, 208.750, 208.755, 208.760, 208.765, 208.770, 208.775, 290.140, 290.152, 313.820, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.266, 348.271, 348.272, 348.275, 447.708, 620.030, 620.495, 620.500, 620.503, 620.521, 620.523, 620.527, 620.528, 620.529, 620.530, 620.537, 620.1003, 620.1007, 620.1100, 620.1103, 620.1878, 620.1881, and 620.1900, RSMo, and to enact in lieu thereof ninety new sections relating to economic development projects.

With House Amendment Nos. 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23 and 24.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 3, Section 32.100, Lines 1 and 2, by deleting all of said section; and

Further amend said bill, Pages 3 to 5, Section 32.105, Lines 1 to 99, by deleting all of said section; and

Further amend said bill, Pages 5 to 7, Section 32.111, Lines 1 to 45, by deleting all of said section; and

Further amend said bill, Pages 7 to 10, Section 32.115, Lines 1 to 117, by deleting all of said section; and

Further amend said bill, Pages 10 to 12, Section 33.282, Lines 1 to 46 by deleting all of said section; and

Further amend said bill, Page 32, Section 99.960, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following: “development for review and submission of an analysis and recommendation to the Missouri development finance board for a determination as to approval of the disbursement of the project”;

and

Further amend said bill, Page 32, Section 99.960, Lines 5 and 6, by deleting all of said lines and inserting in lieu thereof the following: “fund. The department of economic development shall forward the application to the Missouri development finance board with the analysis and recommendation. In no event shall any”; and

Further amend said bill, Page 33, Section 99.960, Line 35, by deleting all of said line and inserting in lieu thereof the following: “disbursed from state supplemental downtown development fund over the term of the”; and

Further amend said bill, Page 33, Section 99.960, Line 40, by deleting all of said line and inserting in lieu thereof the following: “development and the Missouri development finance board.”; and

Further amend said bill, Page 33, Section 99.960, Line 43, by deleting all of said line and inserting in lieu thereof the following: “3. The Missouri development finance board shall make a”; and

Further amend said bill, Page 33, Section 99.960, Lines 45 and 46, by deleting all of said lines and inserting in lieu thereof the following: “supplemental downtown development fund and shall forward such determination to the director of the department of economic development. In no event shall the amount of disbursements”; and

Further amend said bill, Page 34, Section 99.960, Line 71 and 72, by deleting all of said lines and inserting in lieu thereof the following: “salaries and expenses of the department of economic development, the Missouri development finance board, and the department of revenue reasonably allocable to each development project”; and

Further amend said bill, Page 34, Section 99.960, Lines 81 and 82, by deleting all of said lines and inserting in lieu thereof the following: “9. The department of economic development, in

conjunction with the Missouri development finance board, may establish the procedures and standards for the determination”; and

Further amend said bill, Page 34, Section 99.960, Line 93, by deleting all of said line and inserting in lieu thereof the following: “11. The Missouri development finance board shall consider”; and

Further amend said bill, Page 35, Section 99.963, Line 26, by deleting all of said line and inserting in lieu thereof the following: “downtown development fund exceed the [lessor] **lesser** of the amount of the certificates of approval for”; and

Further amend said bill, Page 36 and 37, Section 99.975, Lines 1 to 30, by deleting all of said section; and

Further amend said bill, Pages 37 to 39, Section 99.980, Lines 1 to 89, by deleting all of said section; and

Further amend said bill, Page 42, Section 99.1048, Line 25, by deleting all of said line and inserting in lieu thereof the following: “development fund exceed the [lessor] **lesser** of the amount of the certificates of approval for projects or”; and

Further amend said bill, Page 51, Section 99.1092, Line 25, by deleting all of said section and inserting in lieu thereof the following: “preservation fund exceed the [lessor] **lesser** of the amount of the certificates of approval for projects or; and

Further amend said bill, Pages 82 to 84, Section 135.440, Lines 1 to 70, by deleting all of said section; and

Further amend said bill, Pages 84 and 85, Section 135.442, Lines 1 to 26, by deleting all of said section; and

Further amend said bill, Pages 85 to 88, Section 135.444, Lines 1 to 99, by deleting all of said section; and

Further amend said bill, Page 88, Section 135.446, Lines 1 to 12, by deleting all of said section; and

Further amend said bill, Pages 88 and 89, Section 135.448, Lines 1 to 41, by deleting all of said section; and

Further amend said bill, Page 89, Section 135.449, Lines 1 to 6, by deleting all of said section; and

Further amend said bill, Page 93 to 95, Section 135.800, Lines 1 to 64, by deleting all of said section; and

Further amend said bill, Page 122, Section 348.274, Line 17, by deleting all of said line and inserting in lieu thereof the following: “**invested, unless the company is located in a rural or distressed community, in which case the**”; and

Further amend said bill, Page 130, Section 447.708, Line 228, by inserting after all of said line the following:

“620.005. For each program under chapter 135, RSMo, administered by the Missouri department of economic development, the department of economic development shall, at least annually, submit a report to the Missouri general assembly listing the program participants, the projects administered, the projects completed, and the number of persons served as a result of the implementation of the program. If the program is a business incentive program, the department of economic development shall further include in its report an analysis of the economic benefits to the state of Missouri derived from such business incentive program.”; and

Further amend said bill, Page 135, Section 620.1878, Line 51, by deleting all of said line and inserting in lieu thereof the following: “(14) “New job”, the number of full-time[, year-round] employees located at the project”; and

Further amend said bill, Page 135, Section

620.1878, Line 53, by deleting all of said line and inserting in lieu thereof the following: “full-time [equivalent] employees at related facilities below the related facility base employment.”; and

Further amend said bill, Page 139, Section 620.1881, Line 23, by deleting all of said line and inserting in lieu thereof the following: “or sections 135.900 to 135.906, RSMo, [for the same new jobs] at the **same** project facility. The”; and

Further amend said bill, Page 139, Section 620.1881, Line 37, by deleting all of said line and inserting in lieu thereof the following: “by the new tax revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs”; and

Further amend said bill, Page 139, Section 620.1881, Line 38, by inserting after all of said line the following: “**as calculated under subdivision (32) of section 620.1878**”; and

Further amend said bill, Page 139, Section 620.1881, Line 46, by deleting all of said line and inserting in lieu thereof the following: “tax revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the”; and

Further amend said bill, Page 140, Section 620.1881, Line 64, by deleting all of said line and inserting in lieu thereof the following: “revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the”; and

Further amend said bill, Page 144, Section 620.1881, Line 202, by deleting all of said line and inserting in lieu thereof the following: tax withheld as provided in section [143.221] **143.211**, RSMo.

Further amend said bill, Pages 145 and 146, Section 620.1900, Lines 1 to 29, by deleting all of said section; and

Further amend said bill, Page 147, Section 32.110, Lines 1 to 28, by deleting all of said section; and

Further amend said bill, Pages 147 to 149,

Section 32.117, Lines 1 to 55, by deleting all of said section; and

Further amend said bill, Page 149, Section 32.120, Lines 1 to 6, by deleting all of said section; and

Further amend said bill, Pages 149 to 151, Section 135.460, Lines 1 to 86, by deleting all of said section; and

Further amend said bill, Pages 151 and 152, Section 208.750, Lines 1 to 29, by deleting all of said section; and

Further amend said bill, Pages 152 and 153, Section 208.755, Lines 1 to 44, by deleting all of said section; and

Further amend said bill, Pages 153 and 154, Section 208.760, Lines 1 to 37, by deleting all of said section; and

Further amend said bill, Page 154, Section 208.765, Lines 39 to 50, by deleting all of said section; and

Further amend said bill, Pages 154 and 155, Section 208.770, Lines 1 to 28, by deleting all of said section; and

Further amend said bill, Page 155, Section 208.775, Lines 1 to 6, by deleting all of said section; and

Further amend said bill, Pages 157 to 160, Section 620.495, Lines 1 to 162, by deleting all of said section; and

Further amend said bill, Pages 164 and 165, Section 620.1100, Lines 1 to 41, by deleting all of said section; and

Further amend said bill, Pages 165 and 166, Section 620.1103, Lines 1 to 21, by deleting all of said bill; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for

Senate Substitute for Senate Bill No. 696, Section 144.054, Page 106, Line 23 by inserting after all of said line the following:

“144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for: (1) a county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or (2) an organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or (3) any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or (4) any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; **or (5) after June 30, 2007: (a) the department of transportation; or (b) the state highways and transportation commission**, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity,

whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

(1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;

(2) The project location, description, and unique identification number;

(3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;

(4) The estimated project completion date; and

(5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor invoices

bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an

entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Pages 96-97 Section 135.950, lines 1-21 by deleting all said lines and inserting in lieu thereof:

“135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(3) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the

enhanced business enterprise in which the taxpayer intends to use the new business facility;

(4) “Department”, the department of economic development;

(5) “Director”, the director of the department of economic development;

(6) “Employee”, [a person employed by the enhanced business enterprise on:

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(a) A regular, full-time basis;

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed] **a person that is scheduled to work an average of at least twenty hours per week for the first six months after the position is created, and thirty-five hours a week thereafter, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;**”; and

Further amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Pages 112 to 114, Section 313.820, by deleting all of said section from said bill: ;and

Further Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 135, Section 620.1878, Line 51, by deleting all of said line and inserting in lieu thereof the following:

“(14) “New job”, the number of full-time[, year-round] employees located at the project”; and

Further amend said bill, Page 135, Section 620.1878, Line 53, by deleting all of said line and inserting in lieu thereof the following: “full-time [equivalent] employees at related facilities below the related facility base employment.”; and

Further amend said bill, Page 136, Section

620.1878, Lines 83 and 84, by deleting all of said lines and inserting in lieu thereof the following: **“program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;”**; and

Further amend said bill, Page 138, Section 620.1878, Line 137, by deleting all of said line and inserting in lieu thereof the following: **“an appropriate measure, as determined by the department;”**; and

Further amend said bill, Page 138, Section 620.1878, Line 153, by deleting all of said line and inserting in lieu thereof the following: **“620.1884 [and] or classified by NAICS codes;”**; and

Further amend said bill, Page 139, Section 620.1881, Line 23, by deleting all of said line and inserting in lieu thereof the following: **“or sections 135.900 to 135.906, RSMo, [for the same new jobs] at the same project facility. The”**; and

Further amend said bill, Page 139, Section 620.1881, Line 34, by inserting after all of said line the following: **“The calendar year annual maximum amount of tax credits that may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs training program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit.”**; and

Further amend said bill, Page 139, Section 620.1881, Line 37, by deleting all of said line and inserting in lieu thereof the following: **“by the new tax revenues and other economic [stimulus]**

stimuli that will be generated by the new jobs”; and

Further amend said bill, Page 139, Section 620.1881, Line 38, by inserting after all of said line the following: **“as calculated under subdivision (32) of section 620.1878”**; and

Further amend said bill, Page 139, Section 620.1881, Line 46, by deleting all of said line and inserting in lieu thereof the following: “tax revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the”; and

Further amend said bill, Page 140, Section 620.1881, Line 64, by deleting all of said line and inserting in lieu thereof the following: “revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the”; and

Further amend said bill, Page 143, Section 620.1881, Line 187, by deleting all of said line and inserting in lieu thereof the following: **“that at issuance credits shall be first applied to the delinquency, and any amount issued shall be reduced by the applicant's tax delinquency. If”**; and

Further amend said bill, Page 144, Section 620.1881, Line 202, by deleting all of said line and inserting in lieu thereof the following: tax withheld as provided in section [143.221] **143.211**, RSMo.; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 135.566, Page 90, Line 14, by inserting immediately after the word **“taxpayer”** the following:

“who works at least forty weeks during a consecutive twelve month period”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 16, Section 42.007, Line 59, by inserting after all of said line the following:

“67.2500. 1. A theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2505 by the governing body of any county described in this subsection or any city, town, or village that is within [a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand, or that is within] such counties:

(1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural arts, and entertainment district in the manner provided in section 67.2505] ;

(2) Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;

(3) Any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants.

2. Sections 67.2500 to 67.2530 shall be known as the “Theater, Cultural Arts, and Entertainment District Act”.

3. As used in sections 67.2500 to 67.2530, the following terms mean:

(1) “District”, a theater, cultural arts, and entertainment district organized under this section;

(2) “Qualified electors”, “qualified voters”, or “voters”, registered voters residing within the district or subdistrict, or proposed district or subdistrict, who have registered to vote pursuant to chapter 115, RSMo, or, if there are no persons eligible to be registered voters residing in the district or subdistrict, proposed district or subdistrict, property owners, including corporations and other entities, that are owners of real property;

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115, RSMo; and

(4) “Subdistrict”, a subdivision of a district, but not a separate political subdivision, created for the purposes specified in subsection 5 of section 67.2505.

67.2510. As a complete alternative to the procedure establishing a district set forth in section 67.2505, **a theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2515** by a circuit court with jurisdiction over any **county described in this section or any** city, town, or village that is within [a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand, or that is within] **such counties:**

(1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural arts, and entertainment district in the manner provided in section 67.2515] ;

(2) **Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;**

(3) **Any county of the first classification with more than one hundred eighty-four**

thousand but fewer than one hundred eighty-eight thousand inhabitants.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 348.271, Page 121, Line 43 by inserting after the period “.” on said line the following:

“Once the funding deadline established by this subsection has been reached, a not-for-profit corporation that has operated an innovation center under this section may re-apply to the department of economic development to operate an innovation center under this section and receive funding through the Missouri discovery fund, as established in section 348.264, for an additional three-year period. Innovation centers may only reapply if they prove that previous state funding has resulted in a positive return on investment and that future innovation center operations will not continue to achieve the same positive return on investment unless the funding continues. If approved, re-application to continue to operate an innovation center under this section may be made at the close of the three-year funding period. If disapproved, re-application to operate an innovation center under this section may be made annually.”; And

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 160.053, Page 107, Line 20 by inserting after all of said line the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be

administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community

leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver,

with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. **Within the limits established in subsection 8 of this section**, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or **any public or private** vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt

from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. For private vocational or technical schools to obtain reimbursements under subsection 6 of this section the following requirements must be satisfied:

(1) Such institutions shall both be members of the north central association and be accredited by the higher learning commission as of July 1, 2006, and maintain such accreditation;

(2) Such institutions shall be designated as 501(c)(3) nonprofit organizations under the Internal Revenue Code of 1986, as amended;

(3) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such community college; and

(4) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the

first amendment of the United States Constitution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 105, Section 135.1170, Line 68, by inserting after all of said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament. **For purposes of this subdivision, “belonging” shall mean in cases where lands are utilized so as to facilitate air transportation at nonprimary commercial service airports and reliever airports, as defined by the Federal Aviation Administration, holding a fee interest in real property without regard to the presence of any inferior possessory interest;**

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is

used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes; and

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reversion of the property within the limitation period for reversioners.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 16, Section 42.007, Line 59, by inserting after all of said line the following:

“67.1580. 1. As used in this section, “community improvement” means any program, project, or activity that the governing body of the city determines improves a community.

2. Any city with two hundred thousand or fewer inhabitants may create a community improvement fund. The fund shall consist of all moneys which may be appropriated to it by the governing body of the city, gifts, contributions, grants, or bequests received from any source. Moneys in the fund shall be used solely for the programs, projects, and activities implemented by the governing body of the city to improve communities.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT 12

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 313.820, Page 114, Line 102 by inserting immediately after all of said line the following:

“323.020. 1. The director of the department of agriculture shall make, promulgate and enforce regulations setting forth general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases and specifying the odorization of such gases and the degree thereof. The regulations shall be such as are

reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulations shall be adopted by the director of the department of agriculture pursuant to chapter 536, RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to section 536.028, RSMo, if applicable, after January 1, 1999. All rulemaking authority delegated prior to January 1, 1999, is of no force and effect and repealed as of January 1, 1999, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to January 1, 1999. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to January 1, 1999.

2. Except as specifically provided in subsection 1 of section 323.060, regulations in substantial conformity with the published standards of the National [Board of Fire Underwriters] **Fire Protection Association** for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

3. The director shall establish an advisory committee which shall consist of seven members as follows:

- (1) One member representing the department of agriculture;**
- (2) One member representing the state fire marshals office;**
- (3) One member representing the Missouri Propane Gas Association;**
- (4) One member actively conducting business as a retailer of propane gas;**
- (5) One member representing wholesalers or resellers of propane gas;**
- (6) One member representing the transportation of propane gas or affiliated industries;**
- (7) One member representing companies that service, repair and install liquefied petroleum gas appliances, tanks, and equipment.**

With the exception of the members representing the department of agriculture and the state fire marshal, the remaining members appointed by the director shall serve three-year terms except that the director shall designate one of the original appointees to be appointed for one year, two members to be appointed for two years, and two members to be appointed for three years.

4. The advisory committee established under this section shall report to the director of agriculture. The committee shall monitor the activity of the inspection program and recommend to the director any statutory or administrative changes as may be necessary to assure the efficient and effective operation of the inspection program. The committee shall meet as determined or deemed necessary by the director. Actual expenses incurred by committee members in association with said committee activity shall be reimbursable from

the fee fund created in section 323.100. Expense reimbursement requests shall be documented and submitted to the department of agriculture fiscal office on an approved expense account form provided by the director at the end of the month in which the expense was incurred.

323.100. 1. The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or his authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee of ten dollars, except that the testing fee herein provided for shall not be applied more than once in a calendar year to each meter tested.

2. The fee for the inspection of retail liquid propane meters and the safety inspection in the storage, handling, transportation, and utilization of liquefied petroleum gas shall be fixed by the director of the department of agriculture at a minimum rate of one-tenth of one cent per gallon of odorized propane which shall approximately yield revenue equal to the expenses of administering the provisions of this chapter, except that until December 31, 2006, the rate shall be two-tenths of one cent per gallon and beginning January 1, 2007, the fee shall not be less than one-tenth per gallon nor exceed three-tenths cent per gallon of odorized propane.

3. The owner of propane immediately prior

to odorization in this state or the owner at the time of import into this state of odorized propane shall be responsible for the payment of fees on the volume at the time of import or odorization. Fees shall be remitted to the director of revenue, on forms prescribed by the director, on a monthly basis by the twenty-fifth of the month following the month of collection. Non odorized propane shall not be subject to fees until odorized. Fees on liquefied petroleum gas shall be paid on gallons received, less any exports out of state. When the inspection fee has been paid on liquefied petroleum gas which is then shipped out of this state for use, sale or distribution, credit or refund shall be allowed for the amount so paid.

4. Annually the director of agriculture shall ascertain the total expenses for administering sections 323.010 to 323.110 during the preceding year, and shall forward a copy of such expenses to the director of revenue. Based on the recommendations from the department of agriculture, the director of revenue shall fix the inspection fee for the ensuing calendar year at such a rate per gallon, within the limits established by subsection 2 of this section, as will approximately yield revenues equal to the expenses of administering sections 323.010 to 323.110 during the preceding calendar year and shall collect the fees and deposit them in the state treasury to the credit of the "Liquefied Petroleum Gas Inspection Fund" which is hereby created. After August 28, 2006, all expenses of administering sections 323.010 to 323.110 shall be paid from appropriations made out of the liquefied petroleum gas inspection fund.

5. The unexpended balance in the fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state

treasurer shall not apply to this fund.

6. The state treasurer shall invest all sums in the liquefied petroleum gas fee fund not needed for current operating expenses in interest-bearing banking accounts or United States obligations in the manner provided by law. All yield, increment, gain, interest, or income derived from the investment of these sums shall accrue to the benefit of, and be deposited within the state treasury to the credit of the liquefied petroleum gas inspection fee fund.

7. The provisions of this section shall not apply to the provisions of section 23.253, RSMo." ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 18, by inserting after the section number "620.503," the section number "620.510,"; and

Further amend said bill, Page 132, Section 620.503, Line 23, by inserting after all of said line the following:

"620.510. 1. There is hereby established the "Missouri Health Profession Shortage Planning Commission" within the department of economic development to develop recommendations regarding the health professions workforce in this state.

2. As used in this section, the following

terms mean:

(1) “Economic cluster”, a grouping of industries linked together through customer, supplier, or other relationships.

(2) “Health professions workforce” and “health care professionals”, professionals or paraprofessionals who are qualified by special training, education, skills, and experience in providing health care, treatment, diagnostic services, and physical therapy under the supervision of or in collaboration with a licensed practitioner, and includes but is not limited to those listed in chapter 334, RSMo, and dentists and pharmacists.

3. The commission shall consist of the following members:

(1) A member appointed by the speaker of the house of representatives;

(2) A member appointed by the president pro tem of the senate;

(3) A member appointed by the minority leader of the house of representatives;

(4) A member appointed by the minority leader of the senate;

(5) The director of the departments of health and senior services, and the commissioner of the coordinating board of higher education, or their designees;

(6) The chairpersons and ranking members of the standing committees of the house of representatives and senate having cognizance of matters relating to public health and higher education and employment advancement, or their designees;

(7) A representative of the Missouri conference of community colleges; and

(8) A representative of the health care professions of the land grant university system training health care professionals.

Members appointed under this section shall be

a recognized expert in the field of health, finance, economics, or health facility management. All appointments to the board shall be made no later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority. The term of each nonlegislative member of the commission shall be three years from the date of appointment. Legislative members of the commission shall serve for the duration of their current term of office.

4. The commission shall elect a chairperson from among its members. Members of the commission shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties as members of the commission. The commission shall convene its first meeting not later than sixty days after the effective date of this section.

5. The commission shall:

(1) Monitor data and trends in the health professions workforce, including but not limited to:

(a) The state's current and future supply and demand for health care professionals; and

(b) The current and future capacity of the state system of higher education to educate and train students pursuing health care professions;

(2) Develop recommendations for the formation and promotion of an economic cluster for health care professions;

(3) Identify recruitment and retention strategies for public and independent institutions of higher education with health care programs;

(4) Develop recommendations for promoting diversity in the health professions workforce, including but not limited to racial, ethnic, and gender diversity and for enhancing the attractiveness of health care professions;

(5) Develop recommendations regarding financial and other assistance to students enrolled in or considering enrolling in health care programs offered at public or private institutions of higher education; and

(6) Identify recruitment and retention strategies for health care employers.

6. On or before January 1, 2007, and annually thereafter, the board shall submit a report on its findings and recommendations, including recommendations for legislation to address health professions workforce shortages in this state to the appropriate standing committees of the house of representatives and senate having cognizance of matters relating to public health and higher education and employment advancement.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 79, Section 100.760, Line 23, by inserting after all of said line the following:

“135.095. **1. For all tax years beginning on or after January 1, [1999, but before December 31, 2001] 2006, but ending on or before December 31, 2006,** a resident individual who has attained sixty-five years of age on or before the last day of the tax year shall be allowed, for the purpose of offsetting the cost of legend drugs, a maximum credit against the tax otherwise due [pursuant to] **under** chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, of [two] **five** hundred dollars. An individual shall be entitled to the maximum credit allowed by this section if the individual has a Missouri adjusted gross income of [fifteen] **nineteen** thousand **five hundred** dollars or less **if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-one thousand dollars or less if the individual's filing status is married filing**

combined; provided that, no individual who receives full reimbursement for the cost of legend drugs from Medicare or Medicaid, or who is a resident of a local, state or federally funded facility shall qualify for the credit allowed pursuant to this section. If an individual's Missouri adjusted gross income is greater than [fifteen] **nineteen** thousand **five hundred** dollars **if the individual's filing status is single, head of household, or qualifying widow(er), or greater than twenty-one thousand dollars if the individual's filing status is married filing combined,** such individual shall be entitled to a credit equal to the greater of zero or the maximum credit allowed by this section reduced by two dollars for every hundred dollars such individual's income exceeds [fifteen] **nineteen** thousand **five hundred** dollars **if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-one thousand dollars if the individual's filing status is married filing combined.** The credit shall be claimed as prescribed by the director of the department of revenue. Such credit shall be considered an overpayment of tax and shall be refundable even if the amount of the credit exceeds an individual's tax liability.

2. For all tax years beginning on or after January 1, 2007, a resident individual who has attained sixty-five years of age on or before the last day of the tax year shall be allowed, for the purpose of offsetting the cost of legend drugs, a maximum credit against the tax otherwise due under chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, of five hundred dollars. An individual shall be entitled to the maximum credit allowed by this section if the individual has a Missouri adjusted gross income of twenty-four thousand dollars or less if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-seven thousand dollars or less if the individual's filing status is married filing combined; provided that, no individual who receives full reimbursement for the cost of legend drugs

from Medicare or Medicaid, or who is a resident of a local, state or federally funded facility shall qualify for the credit allowed under this section. If an individual's Missouri adjusted gross income is greater than twenty-four thousand dollars if the individual's filing status is single, head of household, or qualifying widow(er), or greater than twenty-seven thousand dollars if the individual's filing status is married filing combined, such individual shall be entitled to a credit equal to the greater of zero or the maximum credit allowed by this section reduced by two dollars for every hundred dollars such individual's income exceeds twenty-four thousand dollars if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-seven thousand dollars if the individual's filing status is married filing combined. The credit shall be claimed as prescribed by the director of the department of revenue. Such credit shall be considered an overpayment of tax and shall be refundable even if the amount of the credit exceeds an individual's tax liability.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 16, Section 42.007, Line 59, by inserting after said line the following:

“67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) [If in a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, a legally authorized representative of an owner of real property located within the district.] If there are less than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district; or

(c) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than

the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected;

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a term for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected. In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to

be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1545. 1. Any district formed as a political

subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed [at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent] **in increments of one-eighth of one percent, up to a maximum of one percent.** Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. Within ten days after the qualified voters have approved the imposition of the sales and use

tax, the district shall, in accordance with section 32.097, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of

other district funds.

9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 144.054, Page 106, Line 23 by inserting immediately after said Line the following:

“144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. Where the aggregate amount levied and

imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3. Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

5. [It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded.] Any person [violating any of the provisions of this section] **may advertise, hold out, or state directly to the public or any customer that the tax of any part thereof imposed by sections 144.010 to 144.525 and required to be collected by the person will be assumed or absorbed by the person, provided that the amount of assumed or absorbed tax**

shall be stated on any invoice or receipt for the item sold. Failure to state separately such assumed or absorbed tax on the invoice or receipt for the item sold shall be unlawful, and any person failing to do so shall be guilty of a misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 26.700, Page 3, Line 27 by inserting after all of said line the following:

“26.800. 1. There is hereby created within the office of the governor a “Revitalization and Reconstruction Commission”. The governor may, by executive order, assign this commission to the office of any executive department or statewide elected official.

2. The commission is established to promote the restoration, redevelopment, and revitalization of the urban resources of the state. The commission shall devise a comprehensive plan for alleviation of problems associated with distressed urban areas in this state. The plan shall cover a period of at least ten years after the publication of the plan, and shall address the needs as listed in subsection 2 of section 26.804. The commission shall have authority over state programs, as provided by law, which are designed to remedy blight and deterioration of urban areas, and to facilitate the revitalization of, and to reverse, declining property values in distressed urban areas.

26.802. The commission shall consist of nine members, seven of whom shall be appointed by the governor, by and with the advice and consent of the senate, not more than four of whom shall be of the same political party. At least two appointed members of the commission shall be residents of the largest municipality in

the state, at least two appointed members shall be residents of the second largest municipality in the state, and at least one member shall be a resident of the third largest municipality in the state. All appointed members shall have knowledge of and interest in the restoration, redevelopment, and revitalization of urban areas. The appointed members shall hold office for terms of six years beginning on the first day of July of consecutive odd years; provided, that for the original seven appointed members, the governor shall designate three members for terms expiring June 30, 2014, two members for terms expiring June 30, 2016, and two members for terms expiring June 30, 2018. If the governor fails to fill a vacancy caused by the death, resignation, or removal from office of any appointed member of the commission, or to replace an appointed member whose term has expired within thirty days of the occurrence of the vacancy or term expiration, the remaining members of the commission shall fill the vacancy for the unexpired term or replace the member whose term has expired for a six-year term. In addition to the members of the commission appointed by the governor, the state treasurer and state auditor shall serve as members of the commission. The members shall receive no salary or other compensation for their services as members, but shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties. The members of the commission shall elect one of their members to serve as chair of the commission, and may elect other officers as deemed necessary.

26.804. 1. The commission shall have the following powers and duties:

(1) To accept, from any source, moneys and property paid, offered, or granted to the commission to be expended and used by the commission for the purposes specified in sections 26.800 to 26.806;

(2) To designate specific distressed urban areas in the state in which the commission shall direct a program of concentrated revitalization based on an assessment of extraordinary need;

(3) To develop a plan to effectuate such targeted concentrated revitalization in cooperation with federal, state, and local governments and agencies. Such plan may include the formation of nonprofit public development corporations or the activities of existing nonprofit corporations and entities, the redirection of existing programs and resources for the benefit of such areas, and proposals for the creation of new or expanded programs in such areas;

(4) To acquire, through purchase, donation, gift, or eminent domain, land in distressed urban areas, to remove obsolete, inefficient, dilapidated, or outdated structures and assemble suitable sites for building and development of industrial, business, and residential facilities to attract and house new industries and business and allow expansion and improvement of existing industrial, business, and residential operations. The commission shall exercise the right of eminent domain in the manner provided by law for the highways and transportation commission, and may sell, lease, or otherwise transfer or convey, on terms it deems appropriate, any interest it has in lands owned by the commission;

(5) To appoint an advisory commission from a distressed urban area, whose members shall include residents of the distressed urban area and representatives of business and industry in the distressed urban area. The advisory commission shall advise the commission regarding the creation of a program of concentrated revitalization for the distressed urban area based upon the commission's assessment of extraordinary need. The advisory commission may advise the commission concerning how the revitalization

plan will be integrated with available community and governmental resources. The members of the advisory commission shall receive no compensation for their service as members of the advisory commission, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties;

(6) To apply for and receive grants, gifts, donations, and financial assistance from federal agencies or private individuals or entities to complete its duties;

(7) To provide relocation assistance, under sections 523.200 to 523.215, RSMo, to displaced persons who relocate permanently and voluntarily from real property as a direct result of the acquisition, rehabilitation, or demolition of, or the written notice of intent to acquire such real property, in whole or in part, by the commission;

(8) To provide assistance to municipalities and community organizations engaging in the improvement of economic opportunities, housing, and industrial and commercial revitalization of urban areas;

(9) To provide comprehensive information on existing federal, state, and local urban development and revitalization programs upon request to municipalities and community organizations;

(10) To coordinate the programs of state agencies and public benefit nonprofit corporations to remedy problems in distressed urban areas;

(11) To provide information and assistance to the governor and general assembly in the coordination, consolidation, and improvement of state policy regarding urban areas; and

(12) To represent the governor before federal agencies on matters of importance to coordinate policy for the revitalization of urban areas.

2. The plan adopted by the commission shall address the following needs in distressed urban areas of the state:

(1) Promoting a vigorous and growing economy;

(2) Preventing economic stagnation and encouraging of the creation of new job opportunities to ameliorate the hazards of unemployment and underemployment;

(3) Reducing the level of public assistance;

(4) Reducing the rate of crime and delinquency;

(5) Increasing the level of education;

(6) Reversing declining property values in urban areas;

(7) Increasing revenues to the state and municipalities; and

(8) Achieving a diversified economy.

3. The comprehensive plan shall contain initial proposals for addressing revitalization of each identified distressed urban area and state a proposed time line for revitalization of each such area. The commission shall not be required to allocate resources in a particular geographic pattern or to all distressed urban areas simultaneously, and may concentrate all of its efforts in a particular distressed urban area or several distressed urban areas to the exclusion of other distressed urban areas until revitalization of such area is complete. The comprehensive plan shall be periodically updated by the commission, but the commission shall publish and operate under a current comprehensive plan prior to February 28, 2008.

4. For purposes of this section, “distressed urban area” means that portion of a municipality or municipalities which, by reason of structural age, obsolescence, inadequate or outmoded design, or physical deterioration, has become an economic or social liability; that

such conditions are conducive to ill health, transmission of disease, crime, or the inability to pay reasonable taxes; and that conservation, restoration, redevelopment, and revitalization are necessary to correct such conditions.

5. The commission shall compile a full report of its findings for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session. The commission shall also submit a report to the general assembly before undertaking any project, in which it identifies the nature and plan of the proposed project.

26.806. 1. There is hereby created in the state treasury the “Revitalization and Reconstruction Fund”, which shall consist of money collected under sections 26.800 to 26.806. Upon appropriation, money in the fund shall be used solely for the administration of sections 26.800 to 26.806. The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests, or other aid received from federal, private, or other sources.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state auditor shall periodically cause an audit to be made of the books, accounts, and records of the commission with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters relating to its financial operations. Copies of the audit shall be furnished to the governor, the speaker of the house of representatives, and the president pro tem of the senate.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 146, Section 620.1900, Line 29, by inserting after said line the following:

“701.450. 1. For any facility for which construction commences after August 28, 1995, which is constructed as a place of assembly for public amusement including, but not limited to, sports stadiums and arenas, auditoriums and assembly halls, there shall be provided an equal number of water closets for women as there are the number of water closets and urinals provided for men, and there shall be provided an equal number of diaper changing stations for men as there are the number provided for women.

2. Each facility described in subsection 1 of this section constructed or under construction prior to August 28, 1995, shall provide water closets in the same ratio as required in subsection 1 of this section whenever such facility undergoes major structural renovation.

3. As used in subsection 2 of this section, the term “major structural renovation” means any reconstruction, rehabilitation, addition or other improvement which requires more than fifty percent of the gross floor area of the existing facility to be rebuilt. The provisions of this act shall only apply to such portions of the building being renovated and not to the entire building.

4. Notwithstanding any provision of this section to the contrary, if any facility described in subsection 1 of this section located in a city not within a county is constructed in compliance with the requirements of the applicable building and plumbing codes of such city related to the minimum number of water closets that are designated for women, such facility shall not be required to comply with the requirements of subsection 1 of this section until one year following the date of its substantial

completion.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 290.152, Page 111, Line 32 by inserting after all of said line the following:

“ 311.489. 1. A permit for the sale of intoxicating liquor as defined in section 311.020, and nonintoxicating beer as defined in section 312.010, RSMo, for consumption on premises where sold may be issued to any festival district that includes three or more businesses that are licensed bars, nightclubs, restaurants, or other entertainment venues and a common area that is closed to vehicle traffic, provided that the permit is held by a promotional association. A “promotional association” is defined as an entity formed by property owners who own or operate fifty percent or more of the square feet of bars, nightclubs, restaurants, and other entertainment venues located within the proposed district.

2. The promotional association may obtain a permit if the promotional association submits a plan to the governing municipality containing basic information, which includes the legal description of the district, the name and address of each business participating in the promotional association, the intended calendar of events for the district, a description of the proposed festival activities, proof of adequate insurance, and a description of security for any proposed festivals. Such permit shall cost three hundred dollars per year. Such plan may be amended during the year subject to governing municipality approval.

3. If the plan is approved, the promotional association may sell liquor for consumption within the district common areas between 9:00 a.m. and 1:00 a.m. on Monday through

Saturday and between 11:00 a.m. and 12:00 a.m. on Sunday. However, if a promotional association is issued a license to sell intoxicating liquor under section 311.096, a festival district permit may allow for the conducting of sales within the hours of operation designated by such license. Such promotional association may permit customers to leave an establishment within the district after purchasing an alcoholic beverage and consume the beverage in the district common areas or another licensed establishment within the district. No person shall be allowed to take any alcoholic beverage outside the boundaries of the festival district.

4. If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.

5. If minors are allowed to enter the festival district, the applicant shall ensure that such minors are easily distinguished from persons of legal age.

6. The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. For any violation of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, the promotional association may be assessed a civil fine of not more than five thousand dollars. If a promotional association is found to be responsible for such violations at three separate events, then such promotional association shall not seek approval for subsequent plans without the prior written consent of the supervisor of alcohol and tobacco control. The promotional

association's then current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection 3 of this section without prior written consent from the supervisor of alcohol and tobacco control.

7. The provisions of this section shall only apply to any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 107, Section 160.053, Line 20, by inserting after all of said line the following:

“168.015. 1. There is hereby established within the department of elementary and secondary education[,] the [“Missouri Advisory Council of Certification for Educators”] **“Commissioner's Advisory Council on Teacher Quality”**, hereinafter known as the “advisory council”, which shall be composed of [twenty-five] **twenty-seven** members to be appointed by the state board of education on the recommendation of the commissioner of education, **who shall serve as chair of the advisory council**. Of the [twenty-five] **twenty-seven** members [of the council,]:

(1) Fifteen [must] **shall** be active public school classroom teachers, **which may include guidance counselors, librarians, and vocational teachers**;

(2) One shall be a local school board member;

(3) One shall be a state board of education member;

(4) Four shall be active school administrators, one elementary school building principal, one middle school building principal, one high school building principal, and one central office administrator;

(5) Four shall represent institutions of higher education with accredited teacher education programs, which may include public and private colleges and universities and community colleges; and

(6) Two additional members may be added as necessary, who are appointed by the commissioner.

2. The duties and responsibilities of the advisory council shall include, but not be limited to:

(1) Making recommendations for the criteria and procedures whereby the quality and effectiveness of teacher and school administrator education programs in all public and private colleges and universities and community colleges within the state shall be evaluated;

(2) Making recommendations for the requirements for the certification and renewal of certification of public school teachers and administrators;

(3) Making recommendations for the standards for renewal and upgrades of certificates for public school teachers and administrators using academic course work [as well as other types of], professional development, and other requirements outlined in statute or rules and regulations;

(4) Making recommendations concerning rules and regulations with respect to the standards used to measure high-quality professional development and high-quality induction programs for teachers, support services, vocational educators, and administrators, including a review of programs and moneys appropriated under subsection 2 of section 160.530, RSMo;

[(4)] (5) Making recommendations concerning rules and regulations [with respect to suspension and revocation of certificates of license to teach] regarding recruitment and retention of teachers, teaching standards, beginning teacher assistance programs, mentoring programs, and teaching and learning conditions;

[(5) Requesting and receiving reports from committees consisting of representatives from various professional groups, qualified in respective curriculum areas and other specialized areas, to assist in the formulation of recommendations of the advisory committee to the commissioner of education with respect to certification of public school teachers and administrators;]

(6) Making recommendations for limiting the issuance of temporary and provisional certificates that are granted to those who do not meet the full requirements for certification, state and local programs and assistance to promote retention and professional development of such teachers, and the requirements for such teachers to gain full certification;

3. Members shall serve without remuneration. From funds appropriated in accordance with subsection 2 of section 160.530, RSMo, the advisory council shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 144.054, Page106, Line 18, by inserting after the comma “,” the following:

“animal slaughtering defined under the North American Industry Classification System (NAICS) code of 311611,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 1, Section in the title, Line 11, by deleting the word “**projects**”; and,

Further amend said bill, page 106, section 144.054, line 23, by adding immediately prior to the period on said line the following:

“and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government.

144.518. 1. In addition to the exemptions granted pursuant to section 144.030, there is hereby specifically exempted from the provisions of [sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, section 82.850, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo,] sections 144.010 to 144.525, [and] sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, **238.236**, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo,

[and] section 644.032, RSMo, **and any local sales tax law as defined in section 32.085, RSMo**, and from the computation of the tax levied, assessed or payable pursuant to [sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, section 82.850, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo,] sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, **238.236**, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, [and] section 644.032, RSMo, [machines or parts for machines used in a commercial, coin-operated amusement and vending business] **and any local sales tax law as defined in section 32.085, RSMo, coin-operated amusement devices and parts for such devices purchased before September 1, 2006**, where sales tax is paid on the gross receipts derived from the use of [commercial, coin-operated amusement and vending machines] **such devices**.

2. Beginning on September 1, 2006, in addition to any other exemptions provided by law, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, **238.236**, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, **and any local sales tax law as defined in section 32.085, RSMo**, and from the computation of the tax levied, assessed, or payable under sections

144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, 238.236, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, amounts paid for the temporary use of a coin-operated amusement device.

3. As used in this section, “coin-operated amusement device” means a device accepting payments or items representing payments to allow one or more users temporary use of the device for entertainment or amusement purposes. Such devices include but are not limited to video games, pinball games, table games such as billiards and air hockey, and redemption games such as the claw and skee ball that may award prizes of tangible personal property.

4. In addition to any other exemptions provided by law, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, 238.236, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, 238.236, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, vending machines or parts for vending machines used in a commercial vending business where sales tax is paid on the gross receipts derived from such vending machines”; and,

Further amend said bill by amending the title and enacting clauses accordingly.

HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, section 135.1170, Page 105, Line 68 by inserting after all of said Line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately

in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation,

installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms “motor vehicle” and “highway” shall have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published

for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the

purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and

all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales

made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides

for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or

nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of

residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of

such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of subsection 2 of this section;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the

exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall

expire on June 30, 2003;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo; [and]

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event; **and**

(40) All sales of fencing materials used for agricultural purposes."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS for SCS for SB 773**, as amended. Representatives: Munzlinger, Fisher, Cooper (120), Rucker and Harris (110).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to

act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 1944**, as amended. Representatives: Hobbs, Richard, Pratt, Johnson (61) and Henke.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 1306**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 1349**, with **SCS**; **HB 1619**, with **SCS**; **HCS** for **HB 1092**, with **SCS**; and **HCS** for **HB 1837**, with **SCS** to the Committee on Governmental Accountability and Fiscal Oversight.

The Senate observed a moment of silence in memory of Mr. Walter Crane and his family.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to concur in **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Clemens moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 756** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Stouffer moved that **SB 840**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 840**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 840

An Act to repeal sections 227.290 and 227.299, RSMo, and to enact in lieu thereof two

new sections relating highways and bridges.

Was taken up.

Senator Stouffer moved that **HCS** for **SB 840**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Stouffer, **HCS** for **SB 840**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Graham—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bray moved that **SB 725**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 725, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 725

An Act to repeal sections 311.325, 311.490, and 312.200, RSMo, and to enact in lieu thereof three new sections relating to alcoholic beverages, with penalty provisions.

Was taken up.

Senator Bray moved that **HCS for SB 725** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Rupp	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Cauthorn—1

Absent—Senator Graham—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Bray, **HCS for SB 725** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SB 819**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 819, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 819

An Act to repeal section 327.391, RSMo, and to enact in lieu thereof two new sections relating to professional engineer and land surveyor licenses.

Was taken up.

Senator Scott moved that **HCS for SB 819** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Scott, **HCS for SB 819** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SB 893**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 893, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 893

An Act to repeal section 321.554, RSMo, and section 321.243 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, and section 321.243 as enacted by conference committee substitute no. 2 for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, and to enact in lieu thereof two new sections relating to taxes for districts that provide emergency services.

Was taken up.

Senator Scott moved that **HCS for SB 893** be adopted.

At the request of Senator Scott, the above motion was withdrawn which returned the bill to the calendar.

Senator Mayer moved that **SCS for SB 769**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 769, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 769

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof three new sections relating to authorization of additional fund transfers and waivers of certain requirements for school districts meeting certain qualifications, with a termination

date for a certain section and an emergency clause.

Was taken up.

Senator Mayer moved that **HCS** for **SCS** for **SB 769**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Mayer, **HCS** for **SCS** for **SB 769**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Rupp	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Champion Scott—2

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

Senator Nodler moved that **SB 834**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 834**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 834

An Act to repeal sections 162.700, 162.950, 162.955, 162.961, and 167.020, RSMo, and to enact in lieu thereof four new sections relating to special education, with penalty provisions.

Was taken up.

Senator Nodler moved that **HCS** for **SB 834** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Nodler, **HCS** for **SB 834** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SB 893**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Scott moved that **HCS** for **SB 893** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Scott, **HCS** for **SB 893** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler Purgason Rupp Scott
 Shields Stouffer Vogel Wheeler
 Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kennedy moved that **SCS** for **SB 1086**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1086**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 1086

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers, with an emergency clause.

Was taken up.

President Kinder assumed the Chair.

Senator Kennedy moved that **HCS** for **SCS** for **SB 1086** be adopted.

At the request of Senator Kennedy, the above motion was withdrawn, which returned the bill to the calendar.

Senator Goodman moved that **SB 1045**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1045**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 1045

An Act to repeal section 516.090, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain actions involving land held by a public utility.

Was taken up.

Senator Goodman moved that **HCS** for **SB 1045** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Goodman, **HCS** for **SB 1045** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SCS** for **SB 1122**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1122**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1122

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to conveyance of land by certain state universities.

Was taken up.

Senator Shields moved that **HCS** for **SCS** for **SB 1122** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Shields, **HCS** for **SCS** for **SB 1122** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klindt moved that **SB 1165**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1165**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1165

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution control fees.

Was taken up.

Senator Klindt moved that **HCS** for **SB 1165** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Klindt, **HCS** for **SB 1165** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Gibbons moved that **SB 1084**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1084**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1084

An Act to repeal sections 208.631 and 208.930, RSMo, and to enact in lieu thereof two new sections relating to the sunset provisions for certain assistance programs, with an emergency clause.

Was taken up.

Senator Gibbons moved that **HCS** for **SB 1084** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

On motion of Senator Gibbons, **HCS** for **SB 1084** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Engler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 666**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 666

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, with House Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 666;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kevin Engler
 /s/ Dan Clemens
 /s/ Jack A.L. Goodman
 /s/ Joan Bray
 /s/ Chuck Graham

FOR THE HOUSE:

/s/ Mark Bruns
 /s/ Mike Dethrow
 /s/ Marilyn Ruestman
 /s/ Thomas Villa
 /s/ Jim Whorton

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

Senator Engler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 1001, 896, and 761**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

On motion of Senator Engler, **CCS** for **HCS** for **SCS** for **SB 666**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR HOUSE COMMITTEE SUBSTITUTE
 FOR SENATE COMMITTEE SUBSTITUTE
 FOR SENATE BILL NO. 666

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

Was read the 3rd time and passed by the following vote:

CONFERENCE COMMITTEE REPORT ON
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILLS NOS. 1001, 896, and 761

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1001, 896, and 761, with House Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective

bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1001, 896, and 761, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 1001, 896, and 761;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1001, 896, and 761, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Griesheimer	/s/ Neal St. Onge
/s/ Bill Stouffer	/s/ Mike Parson
/s/ Bill Alter	/s/ Charles Schlottach
/s/ Rita Heard Days	Mike Daus
/s/ Victor E. Callahan	Wayne Henke

Senator Koster assumed the Chair.

Senator Bartle assumed the Chair.

Senator Griesheimer moved that the above conference committee report be adopted.

At the request of Senator Griesheimer, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1865**, as amended and has taken up and passed **CCS** for **SCS** for **HB 1865**.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee

from the House on **SCS** for **HB 1865**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1865

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1865, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1865, as amended;

2. That the House recede from its position on House Bill No. 1865;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1865, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charlie Shields	/s/ Carl Bearden
/s/ Gary Nodler	/s/ Scott Muschany
/s/ Michael R. Gibbons	/s/ Gayle Kingery
Chuck Graham	Paul LeVota
Maida Coleman	Clint Zweifel

Senator Shields moved that the above conference committee report be adopted.

Senator Griesheimer assumed the Chair.

Senator Shields announced that photographers from KMIZ-TV and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Citing the provisions of Senate Rule 79, Senator Gross took exception to the words “boy king” being used in the debate.

Senator Goodman assumed the Chair.

At the request of Senator Shields, the motion to adopt the conference committee report was withdrawn.

Senator Shields moved that the Senate refuse to adopt the **CCR** on **SCS** for **HB 1865**, as amended, request the House to recede from its position and take up and pass **SCS** for **HB 1865**, as amended, and failing to do so, grant the Senate further conference, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 1944**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1944**.

CONFERENCE COMMITTEE REPORTS

Senator Koster, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1944**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1944

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, with Senate Amendment No. 1 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Amendment No. 1, as amended, Senate Amendment Nos. 2, 5, 6, and 7, begs leave

to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 1944;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Chris Koster	/s/ Steve Hobbs
/s/ Michael R. Gibbons	/s/ Ronald Richard
/s/ Charlie Shields	/s/ Bryan T. Pratt
/s/ Maida J. Coleman	Connie Johnson, 61
/s/ Harry Kennedy	/s/ Wayne Henke

Senator Koster moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Gross—1

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Koster, **CCS** for **SS** for **SCS** for **HCS** for **HB 1944**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1944

An Act to repeal sections 99.120, 99.460, 100.420, 238.247, 353.130, 523.040, 523.055, 523.060, 523.200, and 523.205, RSMo, and to enact in lieu thereof twenty-eight new sections relating to eminent domain, with a severability clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Gross—1

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

President Pro Tem Gibbons assumed the

Chair.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 1137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1397**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1075**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1864**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1581**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1078**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 41

Relating to the designation of Missouri walk and bicycle to school month and day.

WHEREAS, the health and safety of our children is of highest concern to the citizens of Missouri; and

WHEREAS, promoting safe and healthful walking and bicycling to school is of importance to Missouri parents and teachers, and has been shown to improve student's health and academic performance; and

WHEREAS, a lack of physical activity plays a leading role in rising rates of obesity, diabetes, and other health problems among children. Being able to walk or bicycle to school offers an opportunity to build healthful physical activity into a child's daily routine; and

WHEREAS, an important role for parents and caregivers is to teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trip to school each day and the health and environmental risks related to physical inactivity and air pollution; and

WHEREAS, the number of children walking and bicycling to school has decreased dramatically in recent years, with less than 10% walking or bicycling to school now compared with 50% just 30 years ago; and

WHEREAS, serious injury and death of hundreds of children nationwide could be saved each year if communities take steps to make bicycle and pedestrian safety a priority; and

WHEREAS, the Safe Routes to Schools program is recognized nationally and internationally as being effective in solving these problems and has been successfully piloted in several Missouri communities; and

WHEREAS, local Safe Routes to Schools efforts combining engineering, enforcement, encouragement, and education have been shown to improve school children's health, mobility, safety, and academic performance; and

WHEREAS, "International Walk to School Month" in October and "International Walk to School Day" the first Wednesday in October have proven to be helpful in creating and promoting local Safe Route to Schools programs across the United States and throughout the world:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby commends and encourages the Safe Routes to Schools program overseen at the state level by the Missouri Department of Transportation and on the local level by many individuals, agencies, and schools; and

BE IT FURTHER RESOLVED that the creation of and participation in the local Safe Routes to Schools programs in communities throughout Missouri be encouraged; and

BE IT FURTHER RESOLVED that the needed cooperation and partnership among students, parents, teachers, parent-teacher groups, community leaders, community groups, public works departments, law enforcement agencies, school districts, the Missouri Department of Transportation, and other departments and agencies of state and local government to create successful Safe Routes to Schools programs be commended and encouraged; and

BE IT FURTHER RESOLVED that October 2006 is hereby declared to be "Missouri Walk and Bicycle to School Month" and October 4, 2006, is hereby declared to be "Missouri Walk and Bicycle to School Day" in Missouri; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to concur in **HCS** for **SS** for **SB 696**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1601** and has taken up and passed **SCS** for **HB 1601**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1707** and has taken up and passed **SCS** for **HB 1707**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1687** and has taken up and passed **HB 1687**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1437** and has taken up and passed **SCS** for **HB 1437**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1787** and has taken up and passed **SCS** for **HCS** for **HB 1787**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1762** and has taken up and passed **SCS** for **HCS** for **HB 1762**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 1382** and **1158** and has taken up and passed **SCS** for **HCS** for **HBs 1382** and **1158**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1449** and has taken up and passed **SCS** for **HCS** for **HB 1449**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 55**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation and discipline of public officials.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 872, 754** and **669**, entitled:

An Act to repeal sections 210.104, 210.106, 210.107, 302.302, 304.022, 304.070, 304.351, 304.580, and 307.178, RSMo, and to enact in lieu thereof ten new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, children, and other motorists, with penalty provisions and an effective date for a certain section.

With House Amendment Nos. 1 and 3, House Amendment No. 1 to House Amendment No. 4, and House Amendment No. 4, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 872, 754 & 669, Page 4, Section 302.302, Line 74, by deleting all of said line and inserting in lieu thereof the following: “sections 302.133 to [302.138] **302.137.** The completion of a driver-improvement program or a”; and

Further amend said bill, Page 12, Section 304.585, Line 31, by deleting the word “**eight**” and inserting in lieu thereof the word “**four**”; and

Further amend said bill, Page 12, Section 304.585, Lines 32 to 34 by deleting all of said lines and inserting in lieu thereof the following: “**points assessed to his or her driver's license under section 302.302, RSMo.**”; and

Further amend said bill, Page 13, Section 307.178, Line 16, by deleting the words “**and section 307.182**”; and

Further amend said bill, Page 14, Section 307.178, Line 50, by inserting after the word “**area.**” the following: “**The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section.**”; and

Further amend said bill, Page 15, Section 307.182, Line 27, by inserting the following:

“(6) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this section.”; and

Further amend said bill, Page 15, Section

307.182, Lines 38 to 40, by deleting all of said lines and inserting in lieu thereof the following:

“4. The provisions of this section shall not apply to any public carrier for hire. The provisions of this section shall not apply to students four years of age or older who are passengers on a school bus designed for carrying eleven passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Section 304.022, Page 4, Line 17 by deleting the open bracket “[” immediately after the number “3.”; and

Further amend said Section, said Page, Line 20 by deleting the closed bracket “]” after the number “4.”; and

Further amend said Section, Page 5, Line 43 by deleting the open bracket “[” immediately before the number “5.” and the closed bracket “]” immediately after the number “5.”; and

Further amend said Line by deleting the following:

“4.”; and

Further amend said Line by deleting the open bracket “[” immediately after the word “in”; and

Further amend said Line by deleting the closed bracket “]” immediately after the number “4”; and

Further amend said Line by deleting the following:

“subsection 3”; and

Further amend said Section, said Page, Line

48 by inserting an open bracket “[” immediately before the number “304.026” and a closed bracket “]” immediately after the number “304.026”; and

Further amend said Line by inserting immediately after the number “304.026” the following:

“**304.025**”; and

Further amend said Section, Page 6, Line 60 by deleting the open bracket “[” immediately before the number “6.” and the closed bracket “]” immediately after the number “6.”; and

Further amend said Line by deleting the following:

“**5.**”; and

Further amend said Section, said Page, Line 63 by deleting the open bracket “[” immediately before the number “7.” and the closed bracket “]” immediately after the number “7.”; and

Further amend said Line by deleting the following:

“**6.**”; and

Further amend said Substitute, Section 307.182, Page 15, Line 43 by inserting immediately after said Line the following:

“565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if he or she:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person; or

(3) While in an intoxicated condition operates a motor vehicle in this state, and, when so operating, acts with criminal negligence to:

(a) Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results

from the defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or

(b) Cause the death of two or more persons; or

(c) Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

(4) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and when so operating, acts with criminal negligence to cause the death of any person authorized to operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the performance of official duties.

2. Involuntary manslaughter in the first degree under subdivision (1) or (2) of subsection 1 of this section is a class C felony. Involuntary manslaughter in the first degree under subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent violation of subdivision (3) of subsection 1 of this section is a class A felony. For any violation of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant must serve shall be eighty-five percent of his or her sentence. **Any violation of subdivision (4) of subsection 1 of this section is a class B felony.**

3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.

4. Involuntary manslaughter in the second degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree if he:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes

physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or

(5) Recklessly causes physical injury to another person by means of discharge of a firearm; or

(6) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and when so operating, acts with criminal negligence to cause physical injury to any person authorized to operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the performance of official duties.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. Assault in the second degree is a class C felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 3, Line 9 by inserting after all of said line the following:

“Full information is limited to the following:

1. (1) The type of test administered and the procedures followed;

(2) The time of the collection of the blood or

breath sample or urine analyzed;

(3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;

(4) The type and status of any permit which was held by the person who performed the test;

(5) If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument”; and

Further amend page 4, Line 3 by inserting after said line the following:

“The provisions changing chapter 577 are severable from this legislation. The general assembly would have enacted the remainder of this legislation without the changes made to chapter 577, and the remainder of the legislation is not essentially and inseparably connected with or dependent upon the changes to chapter 577.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 15, Section 307.182, Line 43 by inserting after said line the following:

“577.020. 1. Sections 577.020 and 577.021 shall be known as the Alan Woods Law.

2. Any person who operates a motor vehicle upon the public highways of this state shall be

deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater;

(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, [and] **or** has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of

equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances; or

(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality **or serious physical injury as defined in section 565.002, RSMo.**

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

[2.] **3.** The implied consent to submit to the chemical tests listed in subsection [1] **2** of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

[3.] **4.** Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

[4.] **5.** The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services.

[5.] **6.** The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The

failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

[6.] 7. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.

[7.] 8. Any person given a chemical test of the person's breath pursuant to subsection [1] 2 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.

577.021. 1. Any state, county or municipal law enforcement officer who has the power of arrest for violations of section 577.010 or 577.012 and who is certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a chemical test to any person suspected of operating a motor vehicle in violation of section 577.010 or 577.012.

2. Any state, county, or municipal law enforcement officer who has the power of arrest for violations of section 577.010 or 577.012 and who is certified under chapter 590, RSMo, shall make all reasonable efforts to administer a chemical test to any person suspected of driving a motor vehicle involved in a collision which resulted in a fatality or serious physical injury as defined in section 565.002, RSMo.

3. A test administered pursuant to this section shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 577.020 shall not apply to a test administered prior to arrest pursuant to this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended: Senators Scott, Gibbons, Vogel, Coleman and Callahan.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SCS for SB 932** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 932

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 932 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 932;
2. That the Senate recede from its position on

Senate Committee Substitute for Senate Bill No. 932;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 932, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Delbert Scott /s/ Larry Wilson

/s/ John E. Griesheimer /s/ Bob Johnson

/s/ Chuck Purgason /s/ Todd Smith

/s/ Victor E. Callahan /s/ Wes Wagner

/s/ Rita Heard Days /s/ Brad Robinson

Senator Scott moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Gross—1

Vacancies—None

On motion of Senator Scott, **CCS No. 2** for **HCS** for **SCS** for **SB 932**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 932

An Act to repeal sections 50.327, 50.339, 52.230, 54.040, 59.331, 228.040, 228.070, and

228.190, RSMo, and to enact in lieu thereof ten new sections relating to county officials.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Gross—1

Vacancies—None

President Pro Tem Gibbons declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Crowell moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 1306**, as amended, and grant the House a conference thereon, and that the conferees be allowed to exceed the differences, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the

following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1306**, as amended: Senators Crowell, Champion, Nodler, Kennedy and Green.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 3025, regarding Scott Tyler Hillis, Jefferson City, which was adopted.

Senator Goodman offered Senate Resolution No. 3026, regarding Robin Lynn Varr, Kimberling City, which was adopted.

Senator Shields offered Senate Resolution No. 3027, regarding Brady Miller, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 3028, regarding Joshua West, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 3029, regarding Cassie Hagan, Saint Joseph, which was adopted.

Senator Gross offered Senate Resolution No. 3030, regarding Betty Ann Cave, St. Charles, which was adopted.

Senator Stouffer offered Senate Resolution No. 3031, regarding Samantha Stanley, which was adopted.

Senator Goodman offered Senate Resolution No. 3032, regarding Patty Brittain Robbins, Hollister, which was adopted.

Senator Crowell offered Senate Resolution No. 3033, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Henry Gerecke, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 3034, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Charles Vickrey, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 3035, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leonard Lowes, Cape

Girardeau, which was adopted.

Senator Shields offered Senate Resolution No. 3036, regarding Cheryl A. Hansen-Rosenauer, Agency, which was adopted.

Senator Rupp offered Senate Resolution No. 3037, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Daniel Joseph Henry, Sr., O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 3038, regarding the Timberland High School Varsity Dance Program, which was adopted.

Senator Clemens offered Senate Resolution No. 3039, regarding Ozark High School 2006 Missouri FFA State Champion Horse Judging Team, which was adopted.

Senator Engler offered Senate Resolution No. 3040, regarding Michael Lodewegen, which was adopted.

Senator Engler offered Senate Resolution No. 3041, regarding Jenna Prendergast, which was adopted.

Senator Scott offered Senate Resolution No. 3042, regarding Marrion Mangum, which was adopted.

Senator Scott offered Senate Resolution No. 3043, regarding Ann Huesemann, which was adopted.

Senator Scott offered Senate Resolution No. 3044, regarding Major General Donald Shelton Dawson, El Dorado Springs, which was adopted.

Senator Alter offered Senate Resolution No. 3045, regarding Betty Kroeck, which was adopted.

Senator Alter offered Senate Resolution No. 3046, regarding Carl Tramel, which was adopted.

Senator Alter offered Senate Resolution No. 3047, regarding Donna Jones, which was adopted.

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 3048

WHEREAS, Missouri Governor Matt Blunt unveiled the Lewis and Clark Discovery Initiative in order to enhance educational opportunities in the state and to ensure that Missouri's employers and entrepreneurs continue to benefit from the greatest workforce in the world; and

WHEREAS, the governor's progressive and visionary proposal seeks to obtain these goals through advancing aid to college students in the health care field, capital to universities for important building projects, health care infrastructure, and assistance to Missouri's institutions through the Missouri Discovery Alliance, which is designed to maximize the economic impact of science and technology by attracting life science companies to develop commercial applications for research; and

WHEREAS, the initiative will not only provide an excellent opportunity for helping students and universities, but will also provide help to Missouri's working families and the state's economy by creating new jobs, spurring new economic activity and growth, and providing a return of moneys to the state's general revenue; and

WHEREAS, in addition to the governor's bold plan, funds derived from the initiative should also be used to address the healthcare needs of Missouri's citizens through infusing availability of care in medically underserved areas; and

WHEREAS, enhancing healthcare ensures a brighter future for Missouri's citizens and achieves the goal of the Missouri Senate to finding the best solutions for Missouri's students of all ages, parents, and taxpayers:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, hereby urge the governor to continue to work with the board of the Missouri Higher Education Loan Authority to implement the Lewis and Clark Discovery Initiative so that moneys derived from the Initiative be used to advance aid to college students, for capital to universities for necessary building projects, to fund endowed scholarships, and for the Missouri Discovery Alliance, as outlined in Conference Committee Substitute for SCS/HCS/HB 1022 (2006).

BE IT FURTHER RESOLVED that the secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to the Speaker of the House of Representatives and the Governor of Missouri.

Senator Shields requested unanimous consent of the Senate to suspend Senate Rule 71 for the purpose of taking **SR 3048** up for adoption, which request was granted.

Senator Shields moved that **SR 3048** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 3048, Page 2, Line 11, by inserting immediately after the number "(2006)" the following:

“, except as provided for debt retirement.”.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SR 3048**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Kennedy, Mayer and Nodler.

SR 3048, as amended, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler—24

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Green	Kennedy	Ridgeway
Wilson—9			

Absent—Senators—None

Absent with leave—Senator Gross—1

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1509** and has taken up and passed **SCS** for **HB 1509**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 977** and has taken up and passed **SCS** for **HCS** for **HB 977**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1440** and has taken up and passed **SCS** for **HCS** for **HB 1440**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SPA 1** to **HCS No. 2** for **HB 1703** and has taken up and passed **HCS No. 2** for **HB 1703**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 756** and grants the Senate a conference thereon and the conferees be allowed to exceed the differences only to make technical corrections to allow the insertion of the missing line regarding licensed professional counselors.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 756**. Representatives: Behnen, Wasson, Wells, Page and Dougherty.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1002**, entitled:

An Act to amend chapter 242, RSMo, by adding thereto one new section relating to drainage districts.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 756**: Senators Clemens, Loudon, Scott, Coleman and Days.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, May 8, 2006.

SENATE CALENDAR

SIXTY-EIGHTH DAY—MONDAY, MAY 8, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HJR 55-Lipke

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight) | 10. HCS for HB 1059 (Nodler) |
| 2. HCS for HB 1182 (Nodler) | 11. HB 1035-Young (49), et al (Callahan) |
| 3. HCS for HB 1317 (Goodman) | 12. HCS for HB 1837, with SCS (Loudon)
(In Fiscal Oversight) |
| 4. HB 1504-Yates, with SCS (Loudon) | 13. HCS for HB 1137, with SCS |
| 5. HCS for HB 1168, with SCS (Crowell) | 14. HCS for HB 1397 (Goodman) |
| 6. HB 994-Dusenbergh, et al (Cauthorn) | 15. HCS for HB 1075, with SCS |
| 7. HCS for HB 1349, with SCS (Clemens)
(In Fiscal Oversight) | 16. HB 1864-Nolte, et al |
| 8. HB 1619-Sutherland, et al, with SCS
(Gibbons) (In Fiscal Oversight) | 17. HCS for HB 1581 |
| 9. HCS for HB 1092, with SCS (Ridgeway)
(In Fiscal Oversight) | 18. HCS for HB 1078, with SCS (Loudon) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 566-Dougherty, et al, with SCS & SS
for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3
(pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1
(pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (pending) (Goodman)	HCS for HB 1456, with SCS, SS for SCS & SA 1 (pending) (Ridgeway)
HCS for HB 1026, with SCS (Shields)	HCS for HB 1485, with SCS (Ridgeway)
HCS for HBs 1030, 1033, 1146, 1225 & 1326, with SCS (Bartle)	HB 1521-Richard, et al (Griesheimer)
HB 1105-Wilson (119), et al (Scott)	HCS for HB 1532, with SCS (Griesheimer)
HB 1118-Dempsey, et al, with SCS#2 (Shields)	HCS for HB 1534 (Bartle)
HCS for HBs 1145, 1359 & 1121 (Scott)	HB 1623-St. Onge, et al, with SS, SA 1 & points of order (pending) (Stouffer)
HCS for HB 1149, with SCS#2 (Klindt)	HCS for HB 1632, with SCS (Engler)
HCS for HB 1275 (Goodman)	HB 1728-Rector, et al, with SCS (Klindt)
HB 1320-Lipke, et al (Gibbons)	HCS for HB 1742, with SCS (Shields)
HCS for HB 1367, with SCS (Scott)	HCS for HB 1767, with SCS (Bartle)
HCS for HB 1380, with SCS (Stouffer)	HCS for HB 1900 (Shields)
HB 1411-Smith (150), et al, with SCS (Scott)	HB 1905-Jetton, et al (Champion)
HB 1446-Whorton, et al (Barnitz)	HB 1936-Tilley, with SCS (Stouffer)
	HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)
HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HCS for HB 1511, with SCS (Shields)

HB 998-Smith (118) (Scott)
HCS for HB 1135 (Stouffer)
HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)

HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)
HB 1144-May, et al (Clemens)
HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 872, 754 &
669-Gibbons, with HCS, as amended

SB 1002-Mayer, with HCS
SCS for SB 1086-Kennedy, et al, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS,
as amended
(Senate adopted CCR and passed CCS)
SCS for SB 756-Clemens, with HCS
SCS for SB 773-Cauthorn and Barnitz,
with HCS, as amended
SCS for SB 932-Scott, with HCS
(Senate adopted CCR#2 and passed CCS#2)
SCS for SBs 1001, 896 & 761-Griesheimer,
with HCS, as amended

SS#2 for SCS for SBs 1014 & 730-Scott,
with HCS, as amended
HCS for HB 1022, with SCS, as amended
(Gross)
HCS for HBs 1270 & 1027, with SCS,
as amended (Cauthorn)
HCS for HB 1306, with SS for SCS,
as amended (Crowell)

Requests to Recede or Grant Conference

SS for SB 696-Nodler, with HCS,
as amended
(Senate requests House
recede or grant conference)

SB 1017-Clemens, with HCS, as amended
(Senate requests House
recede or grant conference)

HB 1865-Bearden, et al, with SCS,
as amended (Shields)
(Senate requests House recede and
pass the bill or grant further conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross
HCR 25-Bowman, et al (Days)
HCR 17-Quinn, et al (Stouffer)
HCR 15-Jetton, et al (Champion)
HCR 12-Portwood (Kennedy)
HCR 9-Ruestman, et al (Ridgeway)

HCR 4-Bruns (Rupp)
HCR 37-Loehner, et al (Barnitz)
HCR 10-Zweifel, et al (Loudon)
SR 2741-Wilson
HCR 18-Kuessner, et al
HCR 41-Sutherland, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-EIGHTH DAY—MONDAY, MAY 8, 2006

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"But I believe that the desire to please You in fact pleases You. And I hope that I have that desire in all that I am doing. I hope that I will never do anything apart from that desire." (Thomas Merton, Trappist Monk)

Almighty God, as we face this final week with much to do and many decisions to make on bills we are not that familiar with, may we do so attempting to please You. May we have the faith to have confidence that we can please You by our desire to be diligent and effective in all we do this week and that You will direct our steps and reward those who seek You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 5, 2006 was read and approved.

Senator Shields announced that the Senate photographer had been given permission to take pictures from the Gallery today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 3049, regarding Jeremy Hagen, which was adopted.

Senator Crowell offered Senate Resolution No. 3050, regarding Nathan Turner, which was adopted.

Senator Crowell offered Senate Resolution No. 3051, regarding Terri Johnson, which was adopted.

Senator Crowell offered Senate Resolution No. 3052, regarding Traci Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 3053, regarding Josh Puckett, which was adopted.

Senator Crowell offered Senate Resolution No. 3054, regarding Kyle J. Campbell, which was adopted.

Senator Mayer offered Senate Resolution No. 3055, regarding T.S. Hill Middle School, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 3056, regarding Cooter High School, which was adopted.

Senator Stouffer offered Senate Resolution No. 3057, regarding Martha McReynolds, Lexington, which was adopted.

Senator Coleman offered Senate Resolution No. 3058, regarding Daniel S. Britts, which was adopted.

Senator Coleman offered Senate Resolution No. 3059, regarding Rory Roundtree, which was adopted.

Senator Coleman offered Senate Resolution No. 3060, regarding Michelle Tanner, which was adopted.

Senator Loudon offered Senate Resolution No. 3061, regarding Cindy L. Boddy, Bridgeton, which was adopted.

Senator Crowell offered Senate Resolution No. 3062, regarding Travis Wade Branam, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 3063, regarding Mollie Triplett, East Prairie, which was adopted.

Senator Shields offered Senate Resolution No. 3064, regarding Benjamin David Orscheln, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, as amended. Representatives: Stevenson, May, Silvey, Wagner and Donnelly.

HOUSE BILLS ON THIRD READING

HB 998, introduced by Representative Smith (118), entitled:

An Act to authorize the conveyance of property owned by the state in Pettis County.

Was called from the Consent Calendar and taken up by Senator Scott.

Senator Scott requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Scott offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend House Bill No. 998, Page 1, Section 1, Line 9, by inserting after the words “(45)” and before the word “of”, the word “North”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 998**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp

Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

HJR 55—Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 1581** and **HCS** for **HB 1078**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for **HB 1149**, with **SCS No. 2**, entitled:

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof five new sections relating to water pollution control bonds and public utility equipment.

Was called from the Informal Calendar and taken up by Senator Klindt.

SCS No. 2 for **HCS** for **HB 1149**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1149

An Act to repeal sections 640.100, 644.016, 644.036, 644.051, and 644.054, RSMo, and to enact in lieu thereof eight new sections relating to the regulation of water.

Was taken up.

Senator Klindt moved that **SCS No. 2** for **HCS** for **HB 1149** be adopted.

Senator Klindt offered **SS** for **SCS No. 2** for **HCS** for **HB 1149**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1149

An Act to repeal sections 8.310, 8.420, 640.100, 644.016, 644.036, 644.051, and 644.054, RSMo, and to enact in lieu thereof ten new sections relating to public works.

Senator Klindt moved that **SS** for **SCS No. 2** for **HCS** for **HB 1149** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 4, Section 8.420, Line 25, of said page, by inserting after all of said line the following:

“67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and equal rights of other utilities thereto.

227.240. 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, **municipality, public water supply district, sewer district**, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission.

2. A cable television corporation or company shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.

3. The commission or some officer selected by the commission shall serve a written notice upon the **entity**, person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from

the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

4. The commission is authorized in the name of the state of Missouri to institute and maintain, through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Klindt offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 4, Section 8.420 (6), Line 10 by deleting “seventy-five” and inserting in lieu thereof “ten”.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 4, Section 8.420, Line 25, by inserting after all of said line the following:

“250.140. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

2. When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service; provided, however, that in any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county[, until January 1, 2007,] when an occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums due for more than one hundred twenty days of service[, and after January 1, 2007,] when an occupant is delinquent more than ninety days the owner shall not be liable for sums due for more than ninety days. Any notice of termination of service shall be sent to both the

occupant and owner of the premises receiving such service.

3. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.

4. Notwithstanding any other provision of law to the contrary, any water provider who terminates service due to delinquency of payment by a consumer shall not be liable for any civil or criminal damages.

5. The provisions of this section shall not apply to unapplied-for utility services. As used in this subsection, “unapplied-for utility services” means services requiring application by the property owner and acceptance of such application by the utility prior to the establishment of an account. The property owner is billed directly for the services provided, and as a result, any delinquent payment of a bill becomes the responsibility of the property owner rather than the occupant.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Ridgeway offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 2, Section 250.140, Line 3, by inserting immediately before the word “and” an opening bracket “[”]; and

Further amend said page and section, line 5 by striking the opening bracket.

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Kennedy, SA 1 was withdrawn, rendering SA 1 to SA 3 moot.

Senator Griesheimer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 4, Section 8.420, Line 25, of said page, by inserting after all of said line the following:

“89.010. 1. The provisions of sections 89.010 to 89.140 shall apply to all cities, towns and villages in this state.

2. (1) As used this subsection, “**transect-based zoning**” means a zoning regulation that uses an ordering system of single family and mixed-use categories that enable smart growth and traditional neighborhood development patterns, and that encourage compact, walkable, mixed-use communities, access to transit, and conservation of open space and natural resources.

(2) In the event that any city, town, or village adopts a zoning or subdivision ordinance based on transect-based zoning, and such transect-based zoning provisions conflict with the zoning provisions adopted by code or ordinance of another political subdivision with jurisdiction in such city, town, or village, the transect-based zoning provisions governing street configuration requirements, including number and locations of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and improvements within the right-of-way, shall prevail over any other conflicting or more restrictive zoning provisions adopted by code or ordinance of the other political subdivision.

89.400. 1. When the planning commission of any municipality adopts a city plan which includes

at least a major street plan or progresses in its city planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the county recorder of the county in which the municipality is located, no plat of a subdivision of land lying within the municipality shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the commission to the city council and the council has approved the plat as provided by law.

2. (1) As used in this subsection, “**transect-based zoning**” means a zoning regulation that uses an ordering system of single family and mixed-use categories that enable smart growth and traditional neighborhood development patterns, and that encourage compact, walkable, mixed-use communities, access to transit, and conservation of open space and natural resources.

(2) In the event that any city, town, or village adopts a zoning or subdivision ordinance based on transect-based zoning, and such transect-based zoning provisions conflict with the zoning provisions adopted by code or ordinance of another political subdivision with jurisdiction in such city, town, or village, the transect-based zoning provisions governing street configuration requirements, including number and locations of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and improvements within the right-of-way, shall prevail over any other conflicting or more restrictive zoning provisions adopted by code or ordinance of the other political subdivision.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

President Kinder assumed the Chair.

Senator Coleman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 30, Section 644.589, Line 3 of said page, by inserting after said line the following:

“701.450. 1. For any facility for which construction commences after August 28, 1995, which is constructed as a place of assembly for public amusement including, but not limited to, sports stadiums and arenas, auditoriums and assembly halls, there shall be provided an equal number of water closets for women as there are the number of water closets and urinals provided for men, and there shall be provided an equal number of diaper changing stations for men as there are the number provided for women.

2. Each facility described in subsection 1 of this section constructed or under construction prior to August 28, 1995, shall provide water closets in the same ratio as required in subsection 1 of this section whenever such facility undergoes major structural renovation.

3. As used in subsection 2 of this section, the term “major structural renovation” means any reconstruction, rehabilitation, addition or other improvement which requires more than fifty percent of the gross floor area of the existing facility to be rebuilt. The provisions of this act shall only apply to such portions of the building being renovated and not to the entire building.

4. Notwithstanding any provision of this section to the contrary, if any facility described in subsection 1 of this section located in a city not within a county is constructed in compliance with the requirements of the applicable building and plumbing codes of such city related to the minimum number of water closets that are designated for women, such facility shall not be required to comply with the requirements of subsection 1 of this section until one year

following the date of its substantial completion.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Coleman moved that the above amendment be adopted.

At the request of Senator Klindt, **HCS for HB 1149**, with **SCS No. 2**, **SS for SCS No. 2** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS for SCS for HCS for HB 1306**, as amended. Representatives: Smith (118), Franz, Viebrock, Yaeger and Burnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 766**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 766, Page 1, Section A, Line 2, by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal income taxes but disallowed against Missouri income taxes pursuant to this paragraph since July 1, 2002, may be carried forward and taken against any loss on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent

that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002; and

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the

modifications provided in section 143.411.

6. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependants.

(2) In addition to the subtractions in subsection 3 of this section, qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent included in federal adjusted gross income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid. The amounts to be subtracted shall be as follows:

(a) For tax year 2006, up to twenty percent of such qualified health insurance premiums;

(b) For tax year 2007, up to forty percent of such qualified health insurance premiums;

(c) For tax year 2008, up to sixty percent of such qualified health insurance premiums;

(d) For tax year 2009, up to eighty percent of such qualified health insurance premiums; and

(e) For tax years beginning on or after January 1, 2010, up to one hundred percent of such qualified health insurance premiums."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 818**.

With House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment No. 3.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Bill No. 818, Page 1, Section (13), Line 1, by adding after the word “employee” the following; “with policy making authority”.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 818, Page 2, Section 105.483, Line 19, by inserting after the word “government” the words “, including the general assembly”; and

Further amend Page 2, Line 45, by inserting after said line:

(13) A designated employee of the speaker of the house of representatives, the president pro tem of the senate, the speaker pro tem of the house of representatives, the majority floor leader of the house and senate, the minority floor leader of the house and senate, the assistant majority floor leader of the house and senate, and the assistant minority floor leader of the house and senate.”

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 818, Page 1, Section A, Line 2, by inserting after all of said line the following:

“105.470. As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) “Elected local government official lobbyist”, any natural person employed specifically for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over ten million dollars;

(2) “Executive lobbyist”, any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee,

department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty- first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity.

An “executive lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;

b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;

c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the

goods or services being offered for sale;

d. Participating in public hearings or public proceedings on rules, grants, or other matters;

e. Responding to any request for information made by any public official or employee of the executive branch of government;

f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

[(2)] (3) “Expenditure”, any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term “expenditure” shall not include the following:

(a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;

(b) Informational material such as books,

reports, pamphlets, calendars or periodicals informing a public official regarding such person's official duties, or souvenirs or mementos valued at less than ten dollars;

(c) Contributions to the public official's campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130, RSMo;

(d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such person's or entity's business to persons who are not public officials;

(e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;

(f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein;

(g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit

and when such employment is in addition to their employment as a public official;

[(3)] (4) “Judicial lobbyist”, any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary.

A “judicial lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;

b. Participating in public hearings or public proceedings on rules, grants, or other matters;

c. Responding to any request for information made by any judge or employee of the judicial branch of government;

d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic; or

e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

[(4)] (5) “Legislative lobbyist”, any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation,

association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

A “legislative lobbyist” shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A “legislative lobbyist” shall not include any member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;

d. Testifying as a witness before the general assembly or any committee thereof;

[(5)] (6) “Lobbyist”, any natural person defined as an executive lobbyist, judicial lobbyist or a legislative lobbyist;

[(6)] (7) “Lobbyist principal”, any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

[(7)] (8) “Public official”, any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency

head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision.

105.473. 1. Each lobbyist shall, not later than **January fifth of each year, or** five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a

lobbyist continues to act as an executive lobbyist, judicial lobbyist [or a] , legislative lobbyist, **or elected local government official lobbyist**, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; entertainment; honoraria; meals, food and beverages; and gifts;

(b) **The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories:**

- a. Printing and publication expenses;**
- b. Media and other advertising expenses;**
- c. Travel;**
- d. Entertainment;**
- e. Honoraria;**
- f. Meals, food, and beverages;**
- g. Gifts;**

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value,

for all expenditures made during any reporting period, paid or provided to or for a public official **or elected local government official**, such official's staff, employees, spouse or dependent children;

[(c)] (d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

- a. All members of the senate;
- b. All members of the house of representatives;
- c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or
- d. All members of a caucus of the general assembly if the caucus consists of at least ten members, a list of the members of the caucus has been previously filed with the ethics committee of the house or the senate, and such list has been approved by either of such ethics committees;

[(d)] (e) Any expenditure made on behalf of a public official, **an elected local government official**, or [the public] **such** official's staff, employees, spouse or dependent children, if such expenditure is solicited by such [public] official, the [public] official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence;

[(e)] (f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official **or elected local government official**.

The reports required by this subdivision shall cover the time periods since the filing of the last

report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose

name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government **or any elected local government official** on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed.

This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Ridgeway moved that **HCS for HB 1456**, with **SCS, SS for SCS and SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Ridgeway, **SS for SCS for HCS for HB 1456** was withdrawn, rendering the pending amendment moot.

Senator Ridgeway offered **SS No. 2 for SCS for HCS for HB 1456**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1456

An Act to repeal sections 288.030, 288.032, 288.035, 288.036, 288.038, 288.040, 288.045, 288.050, 288.060, 288.120, 288.121, 288.122, 288.128, 288.175, 288.190, 288.330, 288.380, 288.381, and 288.500, RSMo, and to enact in lieu thereof twenty-one new sections relating to employment security, with penalty provisions and an effective date.

Senator Ridgeway moved that **SS No. 2 for SCS for HCS for HB 1456** be adopted.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 29, Section 288.040, Line 20, by inserting immediately after said line the following:

“288.042. 1. For purposes of this chapter, a “war on terror veteran” is a person who serves or has served in the military and to whom the following criteria apply:

(1) The person is or was a member of the national guard or a member of a United States armed forces reserves unit;

(2) The person was deployed as part of his or her military unit at any time after September 11, 2001, and such deployment caused the person to be unable to continue working for his or her employer;

(3) The person was employed either part time or full time before deployment; and

(4) The person was unemployed in his or her non-military employment either during or within thirty days after the completion of his or her deployment.

2. Notwithstanding any provisions of sections 288.010 to 288.500, any war on terror veteran shall be entitled to receive unemployment compensation benefits under this chapter. A war on terror veteran shall be entitled to a maximum weekly benefit of eight percent of the wages paid to the war on terror veteran during that quarter during which the war on terror veteran earned the highest amount within the five quarters during which the war on terror veteran received wages before deployment. The maximum amount of a maximum weekly benefit shall be one thousand one hundred fifty-three dollars and sixty-four cents, annually adjusted by the consumer price index.

3. A war on terror veteran shall be entitled to a maximum weekly benefit for twenty-six weeks.

4. Any employer who is found in any Missouri court or United States district court located in Missouri to have terminated, demoted, or taken an adverse employment action against a war on terror veteran due to his or her absence while deployed shall be subject to an administrative penalty as determined by the director of the Missouri division of employment security in such amount as to

provide funding for this section, but in no event shall the administrative penalty exceed one hundred thousand dollars. The director shall take judicial notice of judgments in suits brought under the Uniformed Service Employment and Reemployment Rights Act (38 U.S.C. 4301). Such judgments may be considered to have a res judicata effect on the director's determination.

5. A war on terror veteran shall not be considered to have voluntarily quit his or her employment if he or she is not offered the same wages, benefits, and similar work schedule upon his or her return after deployment.

6. There is hereby created in the state treasury the “War on Terror Unemployment Compensation Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with section 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and money earned on such investments shall be credited to the fund.

7. The division of employment security may promulgate rules to enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter

536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Callahan offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 2, Section 288.042, Lines 12-16, by striking said lines and inserting in lieu thereof the following “**deployed shall be subject to an administrative penalty in the amount of twenty-five thousand dollars. The director shall take judicial**”.

Senator Callahan moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Callahan offered SSA 1 for SA 1 to SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 2, Section 288.042, Lines 12-16, by striking said lines and inserting in lieu thereof the following “**deployed shall be subject to an administrative penalty in the amount of thirty thousand dollars. The director shall take judicial**”.

Senator Callahan moved that the above substitute amendment be adopted.

At the request of Senator Callahan, **SA 1** was withdrawn rendering the pending amendments moot.

Senator Green offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Pages 19-20, Section 288.038, by striking all of said section from the bill and inserting in lieu thereof the following:

“288.038. With respect to initial claims filed during calendar years 2004 and 2005, the “maximum weekly benefit amount” means four percent of the total wages paid to an eligible insured worker during that quarter of the worker's base period in which the worker's wages were the highest, but the maximum weekly benefit amount shall not exceed two hundred fifty dollars in the calendar years 2004 and 2005. With respect to initial claims filed during calendar years 2006 and 2007 the “maximum weekly benefit amount” means [three and three-fourths] **four** percent of the total wages paid to an eligible insured worker during that quarter of the worker's base period in which the worker's wages were the highest, but the maximum weekly benefit amount shall not exceed two hundred seventy dollars in calendar year 2006 and the maximum weekly benefit amount shall not exceed two hundred eighty dollars in calendar year 2007. With respect to initial claims filed during calendar year 2008 and each calendar year thereafter, the “maximum weekly benefit amount” means four percent of the total wages paid to an eligible insured worker during the average of the two highest quarters of the worker's base period, but the maximum weekly benefit amount shall not exceed three hundred [dollars in calendar year 2008, three hundred ten dollars in calendar year 2009, three hundred] twenty dollars [in calendar

year 2010, and each calendar year thereafter]. If such benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 14, Section 288.032, Line 9, by adding after said line, the following:

“288.033. Notwithstanding any other provision of law to the contrary, any employer who hires a minor required to obtain a student work certificate or permit for whatever reason shall accept such work certificate or permit when issued by the governing authority of the school in which the student is enrolled. Such work certificates or permits shall be applicable whether issued through a public school district or a private school. No student shall be required to apply to a public school district or any other school governing authority to obtain a work certificate or permit when such student is not enrolled in that school or school district.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Bray raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

At the request of Senator Loudon, **SA 3** was withdrawn rendering the point of order moot.

Senator Green offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 30, Section 288.045, Lines 6-10, by striking all of said lines from the bill and inserting in lieu thereof the following: “by the United States Department of Transportation[, the test results] **or the United States Department of Health and Human Services,** and the laboratory's trial packet shall be”.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Ridgeway and Vogel.

Senator Mayer assumed the Chair.

Senator Shields assumed the Chair.

Senator Crowell assumed the Chair.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Wheeler	Wilson—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—22		

Absent—Senators

Kennedy	Koster—2
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Absent with leave—Senators—None

Vacancies—None

Senator Green offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 38, Section 288.050, Line 26, by striking the opening and closing brackets and further amend said line by

striking the word “shall”.

Senator Green moved that the above amendment be adopted.

At the request of Senator Ridgeway, **HCS** for **HB 1456** with **SCS, SS No. 2** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 892**, entitled:

An Act to repeal sections 143.471, 301.215, 306.435, 361.711, 361.715, 362.275, 362.445, 408.555, 700.045, 700.111, 700.115, 700.355, 700.360, 700.385, and 700.500, RSMo, and to enact in lieu thereof eighteen new sections relating to financial institutions, with a penalty provision.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended and House Amendment No. 2.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Page 15, Section 456.1-105, Line 1 of said page, by deleting all of said line and inserting in lieu thereof the following: “**any other permissible distributee who is an ancestor or lineal descendant of the designated**”; and

Further amend said amendment, Page 18, Section 456.4-411A, Line 29 of said page, by deleting the section number “**511.033**” and inserting in lieu thereof the section number “**511.030**”; and

Further amend said amendment, Page 29, Section 475.092, Line 25 of said page, by deleting the phrase “**is blind or**”; and

Further amend said amendment, Page 30, Section 475.092, Line 1 of said page, by deleting

the phrase “**is blind or**”; and

Further amend said amendment, Page 31, Section 475.092, Line 1 of said page, by deleting the phrase “**is blind or**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Section 408.555, Page 12, Line 1, by inserting immediately preceding all of said Line the following:

“404.051. 1. The custodian shall collect, hold, maintain, manage, invest and reinvest the custodial property. The custodian may accept a transfer of additional property for the same minor into the custodianship and may consolidate into a single custodianship custodial property received for the same minor from multiple transfers or transferors.

2. The custodian may deliver, pay over to the minor for expenditure by the minor, or expend for the minor's benefit, so much of the custodial property as the custodian determines advisable for the use and benefit of the minor, without court order and without regard to the duty or ability of the custodian in the custodian's individual capacity or of any other person to support the minor, or any other income or property of the minor.

3. Upon the petition of a parent, guardian or conservator of a minor, an adult member of the minor's family, any person interested in the welfare of the minor, or of the minor if the minor has attained the age of fourteen years, the court may order the custodian to expend or to pay over to the minor or the minor's parent, guardian or conservator so much of the custodial property as the court determines advisable for the use and benefit of the minor.

4. Any delivery, payment or expenditure pursuant to subsections 2 and 3 of this section is in addition to, not in substitution for, and does not

affect, the obligation of any person to support the minor.

5. (1) To the extent that the custodial property has not been expended, the custodian shall deliver the custodial property in an appropriate manner, free of the custodianship, as follows:

(a) To the minor on attaining the age of twenty-one years, or on attaining the age of eighteen years for custodial property created by a transfer of property from a person other than a donor and the minor requests the property; or

(b) On the minor's death, to the minor's estate.

(2) If the custodian does not deliver the custodial property to the minor or the minor's estate as prescribed in subdivision (1) of this subsection, the minor or the minor's personal representative may petition the court to declare the custodianship terminated and to order delivery of the custodial property to the minor or to the minor's estate free of the custodianship.

(3) To the extent the custodial property is real property, a conveyance and delivery of the real property by the minor after attaining the age at which the minor is entitled to the property free of the custodianship, or by the minor's heirs, or by the minor's personal representative, shall terminate the custodian's powers, duties and rights with respect to the real property.

(4) If the minor is an incapacitated person at the time the minor would otherwise be entitled to receive the custodial property free of the custodianship, the custodian shall deliver the custodial property to the incapacitated person's conservator. If the incapacitated person has no conservator, the custodian may transfer the custodial property to any adult person or financial institution, including the custodian, as personal custodian for the incapacitated person under any law providing for custodianship of property for incapacitated adult persons.

6. The custodian is under a duty to act in the interest of the minor and to avoid conflicts of

interest that impair the custodian's ability to so act. In dealing with the custodial property, the custodian shall observe the degree of care that would be observed by a prudent person dealing with the property and conducting the affairs of another, except that all investments made on or after August 28, 1998, shall be in accordance with the provisions of the Missouri prudent investor act, sections [456.900 to 456.913] **469.900 to 469.913**, RSMo. The custodian is not limited by any other statute restricting investments or expenditures by fiduciaries. If the custodian has special skills or is named custodian on the basis of representations of special skills or expertise, the custodian is under a duty to use those skills. The custodian, in the custodian's discretion and without liability to the minor or the minor's estate, may retain any custodial property received under sections 404.005 to 404.094, and may hold money or securities in the financial institution or brokerage company to which the property was delivered by the transferor.

7. The custodian may invest in and pay premiums out of custodial property for life or endowment insurance policies on the life of the minor or the life of another person in whom the minor has an insurable interest, provided the insurance proceeds will be distributed on the death of the insured life to the minor, the minor's estate or the custodian in the custodian's representative capacity.

8. Subject to the degree of care prescribed in subsection 6 of this section, the custodian, acting in the capacity of custodian for the benefit of the minor, has all rights, power and authority over the custodial property that unmarried, nonincapacitated adult owners have over their own property, except the power to make a gift of the minor's property unless the gift to be made is approved by a court.

9. The custodian at all times shall keep custodial property separate and distinct from all other property in a manner to identify it clearly as custodial property of the minor. Custodial property

consisting of an undivided interest in property is sufficiently separate and distinct if the custodian's interest in the property is held as a tenant in common with the other owners of the property and the minor's proportional interest in the property is fixed. Custodial property is sufficiently so identified if it is held in the name of the custodian in the manner prescribed in section 404.707.

10. The custodian may establish checking, savings or other similar accounts with financial institutions and brokers whereby both the custodian and the minor may withdraw money from the account or draw checks against the account. Money withdrawn from an account or checks written against an account by the minor shall be treated as a delivery of custodial property from the custodian to the minor.

11. Subject to the degree of care prescribed in subsection 6 of this section, the custodian, acting in the capacity of custodian and for the benefit of the minor, may borrow money, lend money, acquire by lease the use of property for the minor, lease custodial property and enter into contracts under which the performance required by such agreements may extend beyond the date the custodianship terminates. The custodian shall hold property that is borrowed or leased for the minor as custodial property in the name of the custodian in the manner prescribed in section 404.047.

12. The custodian shall keep records of all transactions with respect to the custodial property, including information necessary for preparation of the minor's tax returns, and make them available for inspection at reasonable intervals by a parent, the minor if the minor has attained the age of fourteen years, an adult member of the minor's family if the minor has no living parent, and a legal representative of the minor.

13. The minor's custodian may comply with an agreement with a transferor of property to the minor, including an agreement respecting investment objectives, expenses, compensation, resignation and naming of successor custodians, to

the extent that such agreement does not conflict with the custodian's obligations to the minor under sections 404.005 to 404.094.

404.550. 1. The personal custodian shall collect, hold, maintain, manage, invest and reinvest the custodial property. The personal custodian may accept a transfer of additional property for the same beneficiary into the personal custodianship and may consolidate into a single custodianship custodial property received for the same beneficiary from multiple transfers or transferors.

2. The personal custodian shall deliver, pay over to the beneficiary for expenditure by the beneficiary or expend for the beneficiary's benefit, so much of the custodial property as the beneficiary may from time to time direct. If the beneficiary is an incapacitated person, the personal custodian may deliver, pay over to the beneficiary for expenditure by the beneficiary or expend for the beneficiary's benefit, so much of the custodial property as the personal custodian determines advisable for the use and benefit of the beneficiary and those members of the beneficiary's family who are legally entitled to support by the beneficiary or who were supported by the beneficiary at the time the beneficiary became incapacitated, without court order and without regard to the duty or ability of the personal custodian in the personal custodian's individual capacity or of any other person to support the beneficiary, or any other income or property of the beneficiary.

3. (1) Upon the petition of the beneficiary, guardian or conservator of an incapacitated beneficiary, an adult member of a beneficiary's family or any person interested in the welfare of the beneficiary, the court may order the personal custodian to expend or to pay over to the beneficiary or the beneficiary's guardian or conservator so much of the custodial property as the court determines advisable for the use and benefit of the beneficiary.

(2) Upon petition of a personal custodian, the beneficiary, an adult member of the beneficiary's

family or any person interested in the welfare of the beneficiary, the probate division of the circuit court shall determine and declare whether the beneficiary is a disabled or incapacitated person.

4. Any delivery, payment or expenditure under subsections 2 and 3 of this section is in addition to, not in substitution for, and does not affect the obligation of any person to support the incapacitated beneficiary or the incapacitated beneficiary's dependents.

5. The personal custodian is under a duty to act in the interest of the beneficiary and to avoid conflicts of interest that impair the personal custodian's ability to so act. In dealing with the custodial property, the personal custodian shall follow the investment and other directions of a beneficiary who is not incapacitated and shall observe the degree of care that would be observed by a prudent person dealing with the property and conducting the affairs of another, except that all investments made on or after August 28, 1998, shall be in accordance with the provisions of the Missouri prudent investor act, sections [456.900 to 456.913] **469.900 to 469.913**, RSMo. The personal custodian is not limited by any other statute restricting investments or expenditures by fiduciaries. If the personal custodian has special skills or is named personal custodian on the basis of representation of special skills or expertise, the custodian is under a duty to use those skills. The personal custodian, in the custodian's discretion and without liability to the beneficiary or the beneficiary's estate, may retain any custodial property received under sections 404.400 to 404.650, and may hold money or securities in the financial institution or brokerage company to which the property was delivered by the transferor.

6. The personal custodian may invest in and pay premiums out of custodial property for life or endowment insurance policies on the life of the beneficiary or the life of another person in whom the beneficiary has an insurable interest, provided the insurance proceeds will be distributed on the

death of the insured life to the beneficiary, the persons designated by an adult nonincapacitated beneficiary, the beneficiary's estate or the personal custodian in the personal custodian's representative capacity.

7. Subject to the degree of care prescribed in subsection 5 of this section, the personal custodian, acting in the capacity of personal custodian for the benefit of the beneficiary, has all rights, power and authority over the custodial property that unmarried, nonincapacitated adult owners have over their own property, except the power to make a gift of the beneficiary's property (i) unless granted such power by a nonincapacitated beneficiary in a writing signed and dated, and acknowledged or proved and certified in the manner provided by law for conveyances of real estate, or (ii) unless the gift to be made is approved by a court under section 475.094, RSMo.

8. The personal custodian at all times shall keep custodial property separate and distinct from all other property in a manner to identify it clearly as custodial property of the beneficiary. Custodial property consisting of an undivided interest in property is sufficiently separate and distinct if the personal custodian's interest in the property is held as a tenant in common with the other owners of the property and the beneficiary's proportional interest in the property is fixed. Custodial property is sufficiently so identified if it is held in the name of the personal custodian in the manner prescribed in section 404.540.

9. The personal custodian may establish checking, savings or other similar accounts with financial institutions and brokers whereby both the personal custodian and the beneficiary may withdraw money from the account or draw or issue checks or drafts against the account. Money withdrawn from an account or checks written against an account by the beneficiary shall be treated as a delivery of custodial property from the personal custodian to the beneficiary.

10. Subject to the degree of care prescribed in

subsection 5 of this section, the personal custodian, acting in the capacity of personal custodian and for the benefit of the beneficiary, may borrow money, lend money, acquire by lease the use of property for the beneficiary, lease custodial property and enter into contracts under which the performance required by such agreements may extend beyond the date the personal custodianship terminates. The personal custodian shall hold property that is borrowed or leased for the beneficiary as custodial property in the name of the personal custodian in the manner prescribed in section 404.540.

11. The personal custodian shall keep records of all transactions with respect to the custodial property, including information necessary for preparation of the beneficiary's tax returns, and make them available for inspection at reasonable intervals by the beneficiary, an adult member of the beneficiary's family if the beneficiary is incapacitated, and a legal representative of the beneficiary.

12. The power, authority, duties and responsibilities of a personal custodian, as provided in sections 404.400 to 404.650, may be modified by the provisions of a written agreement between the transferor or beneficiary and personal custodian.

404.714. 1. An attorney in fact who elects to act under a power of attorney is under a duty to act in the interest of the principal and to avoid conflicts of interest that impair the ability of the attorney in fact so to act. A person who is appointed an attorney in fact under a power of attorney, either durable or not durable, who undertakes to exercise the authority conferred in the power of attorney, has a fiduciary obligation to exercise the powers conferred in the best interests of the principal, and to avoid self-dealing and conflicts of interest, as in the case of a trustee with respect to the trustee's beneficiary or beneficiaries; and in the absence of explicit authorization, the attorney in fact shall exercise a high degree of care in maintaining, without modification, any estate

plan which the principal may have in place, including, but not limited to, arrangements made by the principal for disposition of assets at death through beneficiary designations, ownership by joint tenancy or tenancy by the entirety, trust arrangements or by will or codicil. Unless otherwise provided in the power of attorney or in a separate agreement between the principal and attorney in fact, an attorney in fact who elects to act shall exercise the authority granted in a power of attorney with that degree of care that would be observed by a prudent person dealing with the property and conducting the affairs of another, except that all investments made on or after August 28, 1998, shall be in accordance with the provisions of the Missouri prudent investor act, sections [456.900 to 456.913] **469.900 to 469.913**, RSMo. If the attorney in fact has special skills or was appointed attorney in fact on the basis of representations of special skills or expertise, the attorney in fact has a duty to use those skills in the principal's behalf.

2. On matters undertaken or to be undertaken in the principal's behalf and to the extent reasonably possible under the circumstances, an attorney in fact has a duty to keep in regular contact with the principal, to communicate with the principal and to obtain and follow the instructions of the principal.

3. If the principal is not available to communicate in person with the attorney in fact because:

(1) The principal is missing under such circumstances that it is not known whether the principal is alive or dead; or

(2) The principal is captured, interned, besieged or held hostage or prisoner in a foreign country;

the authority of the attorney in fact under a power of attorney, whether durable or not, shall not terminate and the attorney in fact may continue to exercise the authority conferred, faithfully and in

the best interests of the principal, until the principal returns or is publicly declared dead by a governmental agency, domestic or foreign, or is presumed dead because of continuous absence of five years as provided in section 472.290, RSMo 1986, or a similar law of the place of the last known domicile of the person whose absence is in question.

4. If, following execution of a power of attorney, the principal is absent or becomes wholly or partially disabled or incapacitated, or if there is a question with regard to the ability or capacity of the principal to give instructions to and supervise the acts and transactions of the attorney in fact, an attorney in fact exercising authority under a power of attorney, either durable or not durable, may consult with any person or persons previously designated by the principal for such purpose, and may also consult with and obtain information from the principal's spouse, physician, attorney, accountant, any member of the principal's family or other person, corporation or government agency with respect to matters to be undertaken in the principal's behalf and affecting the principal's personal affairs, welfare, family, property and business interests.

5. If, following execution of a durable power of attorney, a court appoints a legal representative for the principal, the attorney in fact shall follow the instructions of the court or of the legal representative, and shall communicate with and be accountable to the principal's guardian on matters affecting the principal's personal welfare and to the principal's conservator on matters affecting the principal's property and business interests, to the extent that the responsibilities of the guardian or conservator and the authority of the attorney in fact involve the same subject matter.

6. The authority of an attorney in fact, under a power of attorney that is not durable, is suspended during any period that the principal is disabled or incapacitated to the extent that the principal is unable to receive or evaluate

information or to communicate decisions with respect to the subject of the power of attorney; and an attorney in fact exercising authority under a power of attorney that is not durable shall not act in the principal's behalf during any period that the attorney in fact knows the principal is so disabled or incapacitated.

7. An attorney in fact shall exercise authority granted by the principal in accordance with the instrument setting forth the power of attorney, any modification made therein by the principal or the principal's legal representative or a court, and the oral and written instructions of the principal, or the written instructions of the principal's legal representative or a court.

8. An attorney in fact may be instructed in a power of attorney that the authority granted shall not be exercised until, or shall terminate on, the happening of a future event, condition or contingency, as determined in a manner prescribed in the instrument.

9. On the death of the principal, the attorney in fact shall follow the instructions of the court, if any, having jurisdiction over the estate of the principal, or any part thereof, and shall communicate with and be accountable to the principal's personal representative, or if none, the principal's successors; and the attorney in fact shall promptly deliver to and put in the possession and control of the principal's personal representative or successors, any property of the principal and copies of any records of the attorney in fact relating to transactions undertaken in the principal's behalf that are deemed by the personal representative or the court to be necessary or helpful in the administration of the decedent's estate.

10. If an attorney in fact has a property or contract interest in the subject of the power of attorney or the authority of the attorney in fact is otherwise coupled with an interest in a person other than the principal, this section does not impose any duties on the attorney in fact that

would conflict or be inconsistent with that interest.”; and

Further amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Section 700.045, Page 13, Line 1, by inserting immediately preceding all of said line the following:

“456.1-103. In sections 456.1-101 to 456.11-1106:

(1) “Action,” with respect to an act of a trustee, includes a failure to act.

(2) **“Ascertainable standard” means a standard relating to an individual's health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or Section 2541(c)(1) of the Internal Revenue Code.**

(3) “Beneficiary” means a person that:

(a) has a present or future beneficial interest in a trust, vested or contingent; or

(b) in a capacity other than that of trustee, holds a power of appointment over trust property.

[(3)] (4) “Charitable trust” means a trust, or portion of a trust, created for a charitable purpose described in subsection 1 of section 456.4-405.

[(4)] (5) “Conservator” means a person described in subdivision (3) of section 475.010, RSMo. This term does not include a conservator ad litem.

[(5)] (6) “Conservator ad litem” means a person appointed by the court pursuant to the provisions of section 475.097, RSMo.

[(6)] (7) “Environmental law” means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.

[(7)] (8) “Financial institution” means a non-foreign bank, savings and loan or trust company chartered, regulated and supervised by the Missouri division of finance, the office of the comptroller of the currency, the office of thrift

supervision, the National Credit Union Administration, or the Missouri division of credit union supervision. The term “non-foreign bank” shall mean a bank that is not a foreign bank within the meaning of subdivision (1) of section 361.005, RSMo.

[(8)] (9) “Guardian” means a person described in subdivision (6) of section 475.010, RSMo. The term does not include a guardian ad litem.

[(9)] (10) “Interested persons” include beneficiaries and any others having a property right in or claim against a trust estate which may be affected by a judicial proceeding. It also includes fiduciaries and other persons representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

[(10)] (11) “Interests of the beneficiaries” means the beneficial interests provided in the terms of the trust.

[(11)] (12) “Internal Revenue Code” means the United States Internal Revenue Code of 1986, as in effect on January 1, 2005, or as later amended.

[(12)] (13) “Jurisdiction,” with respect to a geographic area, includes a state or country.

[(13)] (14) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

[(14)] (15) “Permissible distributee” means a beneficiary who is currently eligible to receive distributions of trust income or principal, whether mandatory or discretionary.

[(15)] (16) “Power of withdrawal” means a presently exercisable [general] power of

[appointment other than a power exercisable only upon consent of the trustee or a person holding an adverse interest] **a beneficiary to withdraw assets from the trust without the consent of the trustee or any other person.**

[(16)] (17) “Principal place of administration” of a trust is the trustee's usual place of business where the records pertaining to the trust are kept, or the trustee's residence if the trustee has no such place of business, unless otherwise designated by the terms of the trust as provided in section 456.1-108. In the case of cotrustees, the principal place of administration is, in the following order of priority:

(a) The usual place of business of the corporate trustee if there is but one corporate cotrustee;

(b) The usual place of business or residence of the trustee who is a professional fiduciary if there is but one such trustee and no corporate cotrustee; or

(c) The usual place of business or residence of any of the cotrustees.

[(17)] (18) “Professional fiduciary” means an individual who represents himself or herself to the public as having specialized training, experience or skills in the administration of trusts.

[(18)] (19) “Property” means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

[(19)] (20) “Qualified beneficiary” means a beneficiary who, on the date the beneficiary's qualification is determined:

(a) is a permissible distributee;

(b) would be a permissible distributee if the interests of the permissible distributees described in paragraph (a) of this subdivision terminated on that date; or

(c) would be a permissible distributee if the trust terminated on that date.

[(20)] **(21)** “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

[(21)] **(22)** “Revocable,” as applied to a trust, means [revocable by the settlor] **that the settlor has the legal power to revoke the trust** without the consent of the trustee or a person holding an adverse interest, **regardless of whether the settlor has the mental capacity to do so in fact.**

[(22)] **(23)** “Settlor” means a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion pursuant to the terms of the trust.

[(23)] **(24)** “Sign” means, with present intent to authenticate or adopt a record:

- (a) to execute or adopt a tangible symbol; or
- (b) to attach to or logically associate with the record an electronic sound, symbol, or process.

[(24)] **(25)** “Spendthrift provision” means a term of a trust which restrains either the voluntary or involuntary transfer or both the voluntary and involuntary transfer of a beneficiary's interest.

[(25)] **(26)** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

[(26)] **(27)** “Terms of a trust” means the manifestation of the settlor's intent regarding a trust's provisions as expressed in the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding.

[(27)] **(28)** “Trust instrument” means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto.

[(28)] **(29)** “Trustee” includes an original, additional, and successor trustee, and a cotrustee.

456.1-105. 1. Except as otherwise provided in the terms of the trust, sections 456.1-101 to 456.11-1106 govern the duties and powers of a trustee, relations among trustees, and the rights and interests of a beneficiary.

2. The terms of a trust prevail over any provision of sections 456.1-101 to 456.11-1106 except:

- (1) the requirements for creating a trust;
- (2) the duty of a trustee to act in good faith and in accordance with the purposes of the trust;
- (3) the requirement that a trust and its terms be for the benefit of its beneficiaries;
- (4) the power of the court to modify or terminate a trust under section 456.4-410, subsection 3 of section 456.4B-411, and sections 456.4-412 to 456.4-416;
- (5) the effect of a spendthrift provision and the rights of certain creditors and assignees to reach a trust as provided in sections 456.5-501 to 456.5-507;
- (6) the power of the court under section 456.7-702 to require, dispense with, or modify or terminate a bond;
- (7) the power of the court under subsection 2 of section 456.7-708 to adjust a trustee's compensation specified in the terms of the trust which is unreasonably low or high;

(8) **subject to subsection 3 of this section, the duty of a trustee of an irrevocable trust to notify [the] each permissible [distributees of an irrevocable trust who have] distributee who has attained the age of twenty-one years [of age] of the existence of the trust and of [their] that**

permissible distributee's rights to request trustee's reports and other information reasonably related to the administration of the trust;

(9) the duty to respond to the request of a qualified beneficiary of an irrevocable trust for trustee's reports and other information reasonably related to the administration of [a] **the** trust;

(10) the effect of an exculpatory term under section 456.10-1008;

(11) the rights under sections 456.10-1010 to 456.10-1013 of a person other than a trustee or beneficiary;

(12) periods of limitation for commencing a judicial proceeding;

(13) the power of the court to take such action and exercise such jurisdiction as may be necessary in the interests of justice; and

(14) the venue for a judicial proceeding as provided in section 456.2-204.

3. For purposes of subdivision (8) of subsection 2 of this section, the settlor may designate by the terms of the trust one or more permissible distributees to receive notification of the existence of the trust and of the right to request trustee's reports and other information reasonably related to the administration of the trust in lieu of providing the notice, information or reports to any other permissible distributee who is an ancestor of lineal descendant or the designated permissible distributee.

456.1-110. 1. A specified charitable organization or a person appointed to enforce a trust created for the care of an animal or another noncharitable purpose as provided in sections 456.4-408 or 456.4-409 has the rights of a qualified beneficiary under sections 456.1-101 to 456.11-1106.

2. Except with respect to [section 456.4B-411] **sections 456.1-108 and 456.4-411B**, the attorney general of this state has the rights of a qualified beneficiary with respect to an interest in a

charitable trust having its principal place of administration in this state if:

(1) a specified charitable organization is not entitled to a distribution from such interest; and

(2) distributions from the interest are payable in a manner that, if payable to an identifiable charitable entity, would qualify that entity as a specified charitable organization.

3. In this section a "specified charitable organization" means an identifiable charitable entity, **the interest of which is not otherwise subject to any power of appointment or other power of termination**, that, on the date that entity's qualification is determined:

(a) is a permissible distributee;

(b) would be a permissible distributee if the interests of the permissible distributees terminated on that date; or

(c) would be a permissible distributee if the trust terminated on that date.

4. No provision of this section shall limit the authority of the attorney general of this state to supervise and control charitable organizations.

456.1-112. 1. If a settlor's marriage is dissolved or annulled, any beneficial terms of a trust in favor of the settlor's former spouse or any fiduciary appointment of the settlor's former spouse is revoked on the date the marriage is dissolved or annulled, whether or not the terms of the trust refer to marital status. The terms of the trust shall be given effect as if the former spouse had died immediately before the date the dissolution or annulment became final. This subsection shall also apply to any beneficial interest or fiduciary appointment in favor of a relative of the settlor's former spouse as if such relative were the former spouse.

2. Subsection 1 of this section does not apply to the terms of a trust that provide any beneficial interest or fiduciary appointment for a former spouse or a relative of a former spouse that was

created after the marriage was dissolved or annulled, or that expressly states that marriage dissolution or annulment shall not affect the designation of a former spouse or relative of a former spouse as a beneficiary or a fiduciary of the trust.

3. A court may order or the settlor and the spouse may agree before, during, or after the marriage in a binding contract or settlement agreement that subsection 1 of this section does not apply to a beneficial interest or fiduciary appointment.

4. Any terms of a trust revoked solely by this section are revived by the settlor's remarriage to the former spouse or by a nullification of the marriage dissolution or annulment.

5. In this section, "a relative of the settlor's former spouse" means an individual who is related to the settlor's former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the settlor by blood, adoption or affinity.

6. The provisions of this section shall not apply to any trust for which a gift tax marital deduction has been claimed or allowed under Section 2523 of the Internal Revenue Code. The provisions of this section shall not apply in a manner that would result in either:

(a) a transfer to a trust being treated as an incomplete gift for federal gift tax purposes; or

(b) inclusion of assets of a trust in the gross estate of a settlor for federal estate tax purposes.

456.2-204. 1. Venue for judicial proceedings involving [the internal affairs of a] trust **administration** shall be:

(1) For a trust then registered in this state, in the probate division of the circuit court where the trust is registered; or

(2) For a trust not then registered in this state, in the probate division of the circuit court where

the trust could properly be registered; or

(3) For a trust not then registered in this state and which cannot properly be registered in this state, in accordance with the rules of civil procedure.

2. Where a judicial proceeding under this chapter could be maintained in more than one place in this state, the court in which the proceeding is first commenced has the exclusive right to proceed.

3. If proceedings concerning the same trust are commenced in more than one court of this state, the court in which the proceeding was first commenced shall continue to hear the matter, and the other courts shall hold the matter in abeyance until the question of venue is decided, and if the court in which the proceeding was first commenced determines that venue is properly in another court, it shall transfer the proceeding to the other court.

4. If a court finds that in the interest of justice a proceeding or a file should be located in another court of this state, the court making the finding may transfer the proceeding or file to the other court.

456.3-301. 1. Notice to a person who may represent and bind another person under sections 456.3-301 to 456.3-305 has the same effect as if notice were given directly to the other person.

2. The consent of a person who may represent and bind another person under sections 456.3-301 to 456.3-305 is binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.

3. Except as otherwise provided in sections 456.4A-411 and 456.6-602, a person who under sections 456.3-301 to 456.3-305 may represent a settlor who lacks capacity may receive notice and give a binding consent on the settlor's behalf.

4. A settlor may not represent and bind a

beneficiary under sections 456.3-301 to 456.3-305 with respect to the termination or modification of a trust under section 456.4-411A.

456.3-304. **1.** Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented **with respect to a particular question or dispute.**

2. Unless otherwise represented, a beneficiary who is not a qualified beneficiary may be represented by and bound by a qualified beneficiary having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest with respect to the particular question or dispute between the representative and the person represented, in any court proceeding under subsection 2 of section 456.4-412, or in a nonjudicial settlement agreement entered into under section 456.1-111 in lieu of such a court proceeding.

456.4-401. A trust may be created by:

(1) transfer of property to another person as trustee during the settlor's lifetime or by will or other disposition taking effect upon the settlor's death;

(2) declaration by the owner of property that the owner holds identifiable property as trustee;

(3) exercise of a power of appointment in favor of a trustee; or

(4) a court under section 475.092, 475.093, or 511.030, **RSMo, or 42 U.S.C. Section 1396p(d)(4).**

456.4-402. **1.** Other than for a trust created by section 475.092, 475.093, or 511.030, **RSMo, or**

42 U.S.C. Section 1396p(d)(4), a trust is created only if:

(1) the settlor has capacity to create a trust;

(2) the settlor indicates an intention to create the trust;

(3) the trust has a definite beneficiary or is:

(a) a charitable trust;

(b) a trust for the care of an animal, as provided in section 456.4-408; or

(c) a trust for a noncharitable purpose, as provided in section 456.4-409;

(4) the trustee has duties to perform; and

(5) the same person is not the sole trustee and sole beneficiary.

2. A beneficiary is definite if the beneficiary can be ascertained now or in the future, subject to any applicable rule against perpetuities.

3. A power in a trustee to select a beneficiary from an indefinite class is valid. If the power is not exercised within a reasonable time, the power fails and the property subject to the power passes to the persons who would have taken the property had the power not been conferred.

456.4-411A. **1. Except for a trust established by a court under section 475.092, 475.093, 511.033, RSMo, or 42 U.S.C. Section 1396p(d)(4),** a noncharitable irrevocable trust may be modified or terminated upon consent of the settlor and all beneficiaries, without court approval, even if the modification or termination is inconsistent with a material purpose of the trust. A settlor's power to consent to a trust's termination or modification may be exercised by an agent under a power of attorney only to the extent expressly authorized by the power of attorney or the terms of the trust; by the settlor's conservator with the approval of the court supervising the conservatorship if an agent is not so authorized; or by the settlor's conservator ad litem with the approval of the court if an agent is not so

authorized and a conservator has not been appointed.

2. Upon termination of a trust under subsection 1 of this section, the trustee shall distribute the trust property as agreed by the beneficiaries.

3. If not all of the beneficiaries consent to a proposed modification or termination of the trust under subsection 1 of this section, the modification or termination may be approved by the court if the court is satisfied that:

(1) if all of the beneficiaries had consented, the trust could have been modified or terminated under subsection 1 of this section; and

(2) the interests of a beneficiary who does not consent will be adequately protected.

456.4-411B. 1. When all of the adult beneficiaries having the capacity to contract consent, the court may, upon finding that the interest of any nonconsenting beneficiary will be adequately protected, modify the terms of a noncharitable irrevocable trust so as to reduce or eliminate the interests of some beneficiaries and increase those of others, change the times or amounts of payments and distributions to beneficiaries, or provide for termination of the trust at a time earlier or later than that specified by its terms. The court may at any time upon its own motion appoint a representative pursuant to section 456.3-305 to represent a nonconsenting beneficiary. The court shall appoint such a representative upon the motion of any party, unless the court determines such an appointment is not appropriate under the circumstances.

2. Upon termination of a trust under subsection 1 of this section, the trustee shall distribute the trust property as directed by the court.

3. If a trust cannot be terminated or modified under subsection 1 of this section because not all adult beneficiaries having capacity to contract consent or the terms of the trust prevent such

modification or termination, the modification or termination may be approved by the court if the court is satisfied that the interests of a beneficiary, other than the settlor, who does not consent will be adequately protected, modification or termination will benefit a living settlor who is also a beneficiary, and:

(1) in the case of a termination, the party seeking termination establishes that continuance of the trust is not necessary to achieve any material purpose of the trust; or

(2) in the case of a modification, the party seeking modification establishes that the modification is not inconsistent with a material purpose of the trust, and the modification is not specifically prohibited by the terms of the trust.

4. This section shall apply to trusts created **under trust instruments that become irrevocable** on or after January 1, 2005. The provisions of section 456.590 shall apply to all trusts **that were** created **under trust instruments that become irrevocable** prior to January 1, 2005.

456.5-501. **Except as otherwise provided in sections 456.5-506 to 456.5-507**, to the extent a beneficiary's interest is not [protected by] **subject to** a spendthrift provision, an assignee or a judgment creditor of the beneficiary may, without court order, reach the beneficiary's interest by attachment of present or future distributions to or for the benefit of the beneficiary or other means. The court may limit the award to such relief as is appropriate under the circumstances.

456.5-504. 1. [Except as otherwise provided in section 456.5-503, whether or not a trust contains a spendthrift provision, a creditor of a beneficiary may not compel a distribution that is subject to the trustee's discretion, even if:

(1) the discretion is expressed in the form of a standard of distribution; or

(2) the trustee has abused the discretion.] **A beneficiary's interest in a trust that is subject to the trustee's discretion does not constitute an**

interest in property or an enforceable right even if the discretion is expressed in the form of a standard of distribution or the beneficiary is then serving as a trustee or co-trustee. A creditor or other claimant may not attach present or future distributions from such an interest or right, obtain an order from a court forcing the judicial sale of the interest or compelling the trustee to make distributions, or reach the interest or right by any other means, even if the trustee has abused the trustee's discretion.

2. This section does not limit the right of a beneficiary to maintain a judicial proceeding against a trustee for an abuse of discretion or failure to comply with a standard for distribution.

3. This section applies whether or not an interest is subject to a spendthrift provision.

4. For purposes of this section, a beneficiary's interest in a trust is subject to the trustee's discretion if that interest does not constitute a mandatory distribution as defined in subsection 1 of section 456.5-506.

456.5-506. 1. As used in this section, **“mandatory distribution” means a distribution of income or principal which the trustee is required to make to a beneficiary under the terms of the trust, including a distribution upon termination of the trust. The term does not include a distribution subject to the exercise of the trustee's discretion even if (1) the discretion is expressed in the form of a standard of distribution, or (2) the terms of the trust authorizing a distribution couple language of discretion with language of direction.**

2. Whether or not a trust contains a spendthrift provision, a creditor or assignee of a beneficiary may reach a mandatory distribution of income or principal, including a distribution upon termination of the trust, if the trustee has not made the distribution to the beneficiary within a reasonable time after the required distribution date.

456.7-703. 1. Cotrustees shall act by majority decision.

2. If a vacancy occurs in a cotrusteeship, the remaining cotrustees may act for the trust.

3. A cotrustee must participate in the performance of a trustee's function unless the cotrustee is unavailable to perform the function because of absence, illness, disqualification under other law, or other temporary incapacity or the cotrustee has properly delegated the performance of the function to another trustee.

4. If a cotrustee is unavailable to perform duties because of absence, illness, disqualification under other law, or other temporary incapacity, and prompt action is necessary to achieve the purposes of the trust or to avoid injury to the trust property, the remaining cotrustee or a majority of the remaining cotrustees may act for the trust.

5. A trustee may [not] delegate to a cotrustee the performance of a function [the settlor reasonably expected the trustees to perform jointly] **in accordance with subsection 1 of section 456.8-807.** Unless a delegation was irrevocable, a trustee may revoke a delegation previously made.

6. Except as otherwise provided in subsection 7 of this section, a trustee who does not join in an action of another trustee is not liable for the action.

7. Each trustee shall exercise reasonable care to:

(1) prevent a cotrustee from committing a serious breach of trust; and

(2) compel a cotrustee to redress a serious breach of trust.

8. A dissenting trustee who joins in an action at the direction of the majority of the trustees and who notified any cotrustee of the dissent at or before the time of the action is not liable for the action unless the action is a serious breach of trust.

456.8-813. 1. **(1)** A trustee shall keep the

qualified beneficiaries of the trust reasonably informed about the administration of the trust and of the material facts necessary for them to protect their interests. **A trustee shall be presumed to have fulfilled this duty if the trustee complies with the notice and information requirements prescribed in subsections 2 to 7 of this section.**

(2) Unless unreasonable under the circumstances, a trustee shall promptly respond to a beneficiary's request for information related to the administration of the trust.

2. A trustee:

(1) upon request of a beneficiary, shall promptly furnish to the beneficiary a copy of the trust instrument;

(2) within 60 days after accepting a trusteeship, shall notify the qualified beneficiaries of the acceptance and of the trustee's name, address, and telephone number;

(3) within sixty days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, shall notify the qualified beneficiaries of the trust's existence, of the identity of the settlor or settlors, of the right to request a copy of the trust instrument, and of the right to a trustee's report as provided in subsection 3 of this section; and

(4) shall notify the qualified beneficiaries in advance of any change in the method or rate of the trustee's compensation. [Subdivisions (2) and (3) of this subsection do not apply to a trust that became irrevocable before January 1, 2005.]

3. A trustee shall send to the permissible distributees of trust income or principal, and to other beneficiaries who request it, at least annually and at the termination of the trust, a report of the trust property, liabilities, receipts, and disbursements, including the source and amount of the trustee's compensation, a listing of the trust

assets and, if feasible, their respective market values. Upon a vacancy in a trusteeship, unless a cotrustee remains in office, a report must be sent to the qualified beneficiaries by the former trustee. A personal representative, conservator, or guardian may send the qualified beneficiaries a report on behalf of a deceased or incapacitated trustee.

4. A beneficiary may waive the right to a trustee's report or other information otherwise required to be furnished under this section. A beneficiary, with respect to future reports and other information, may withdraw a waiver previously given.

5. A trustee may charge a reasonable fee to a beneficiary for providing information under this section.

6. The request of any beneficiary for information under any provision of this section shall be with respect to a single trust that is sufficiently identified to enable the trustee to locate the records of the trust.

7. If the trustee is bound by any confidentiality restrictions with respect to an asset of a trust, any beneficiary who is eligible to receive information pursuant to this section about such asset shall agree to be bound by the confidentiality restrictions that bind the trustee before receiving such information from the trustee.

8. This section does not apply to a trust created under a trust instrument that became irrevocable before January 1, 2005, and the law in effect prior to January 1, 2005, regarding the subject matter of this section shall continue to apply to those trusts.

456.8-814. 1. Notwithstanding the [breadth of discretion granted to a trustee in the terms of the trust, including the] use of such terms as "absolute," "sole," or "uncontrolled," **in the exercise of discretion under an ascertainable standard**, the trustee shall exercise [a] **such** discretionary power in good faith and in accordance with the terms and purposes of the trust

and the interests of the beneficiaries.

2. Subject to subsection 4 of this section, and unless the terms of the trust expressly indicate that a rule in this subsection does not apply:

(1) a person other than a settlor who is a beneficiary and trustee of a trust that confers on the trustee a power to make discretionary distributions to or for the trustee's personal benefit may exercise the power only in accordance with an ascertainable standard [relating to the trustee's individual health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code];

(2) a trustee may not exercise a power to make discretionary distributions to satisfy a legal obligation of support that the trustee personally owes another person; and

(3) for purposes of this subsection 2 of this section, the term "trustee" shall include a person who is deemed to have any power of a trustee, whether because such person has the right to remove or replace any trustee, because a reciprocal trust or power doctrine applies, or for any other reason.

3. A power whose exercise is limited or prohibited by subsection 2 may be exercised by a majority of the remaining trustees whose exercise of the power is not so limited or prohibited. If the power of all trustees is so limited or prohibited, the court may appoint a special fiduciary with authority to exercise the power.

4. Subsection 2 of this section does not apply to:

(1) a power held by the settlor's spouse who is the trustee of a trust for which a marital deduction, as defined in Section 2056(b)(5) or 2523(b)(5) of the Internal Revenue Code was previously allowed;

(2) any trust during any period that the trust may be revoked or amended by its settlor; or

(3) a trust if contributions to the trust qualify

for the annual exclusion under Section 2503(c) of the Internal Revenue Code.

456.8-816. Without limiting the authority conferred by section 456.8-815, a trustee may:

(1) collect trust property and accept or reject additions to the trust property from a settlor or any other person;

(2) acquire or sell property in divided or undivided interests, for cash or on credit, at public or private sale;

(3) exchange, partition, or otherwise change the character of trust property;

(4) deposit trust money in an account in a financial institution;

(5) borrow money, with or without security, and mortgage or pledge trust property for a period within or extending beyond the duration of the trust;

(6) with respect to an interest in a proprietorship, partnership, limited liability company, business trust, corporation, or other form of business or enterprise, continue the business or other enterprise and take any action that may be taken by shareholders, members, or property owners, including merging, dissolving, or otherwise changing the form of business organization or contributing additional capital;

(7) with respect to stocks or other securities, exercise the rights of an absolute owner, including the right to:

(a) vote, or give proxies to vote, with or without power of substitution, or enter into or continue a voting trust agreement;

(b) hold a security in the name of a nominee or in other form without disclosure of the trust so that title may pass by delivery;

(c) pay calls, assessments, and other sums chargeable or accruing against the securities, and sell or exercise stock subscription or conversion rights; and

(d) deposit the securities with a depository or other financial institution;

(8) with respect to an interest in real property, construct, or make ordinary or extraordinary repairs to, alterations to, or improvements in, buildings or other structures, demolish improvements, raze existing or erect new party walls or buildings, subdivide or develop land, dedicate land to public use or grant public or private easements, and make or vacate plats and adjust boundaries;

(9) enter into a lease for any purpose as lessor or lessee, including a lease or other arrangement for exploration and removal of natural resources, with or without the option to purchase or renew, for a period within or extending beyond the duration of the trust;

(10) grant an option involving a sale, lease, or other disposition of trust property or acquire an option for the acquisition of property, including an option exercisable beyond the duration of the trust, and exercise an option so acquired;

(11) insure the property of the trust against damage or loss and insure the trustee, the trustee's agents, and beneficiaries against liability arising from the administration of the trust;

(12) abandon or decline to administer property of no value or of insufficient value to justify its collection or continued administration;

(13) with respect to possible liability for violation of environmental law:

(a) inspect or investigate property the trustee holds or has been asked to hold, or property owned or operated by an organization in which the trustee holds or has been asked to hold an interest, for the purpose of determining the application of environmental law with respect to the property;

(b) take action to prevent, abate, or otherwise remedy any actual or potential violation of any environmental law affecting property held directly or indirectly by the trustee, whether taken before or

after the assertion of a claim or the initiation of governmental enforcement;

(c) decline to accept property into trust or disclaim any power with respect to property that is or may be burdened with liability for violation of environmental law;

(d) compromise claims against the trust which may be asserted for an alleged violation of environmental law; and

(e) pay the expense of any inspection, review, abatement, or remedial action to comply with environmental law;

(14) pay or contest any claim, settle a claim by or against the trust, and release, in whole or in part, a claim belonging to the trust;

(15) pay taxes, assessments, compensation of the trustee and of employees and agents of the trust, and other expenses incurred in the administration of the trust;

(16) exercise elections with respect to federal, state, and local taxes;

(17) select a mode of payment under any employee benefit or retirement plan, annuity, or life insurance payable to the trustee, exercise rights thereunder, including exercise of the right to indemnification for expenses and against liabilities, and take appropriate action to collect the proceeds;

(18) make loans out of trust property, including loans to a beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances, and the trustee has a lien on future distributions for repayment of those loans;

(19) pledge trust property to guarantee or secure loans made by others to a beneficiary;

(20) appoint a trustee to act in another jurisdiction with respect to trust property located in the other jurisdiction, confer upon the appointed trustee all of the powers and duties of the

appointing trustee, require that the appointed trustee furnish security, and remove any trustee so appointed;

(21) pay an amount distributable to a beneficiary who is under a legal disability or who the trustee reasonably believes is incapacitated, by paying it directly to the beneficiary or applying it for the beneficiary's benefit, or by:

(a) paying it to the beneficiary's conservator or, if the beneficiary does not have a conservator, the beneficiary's guardian;

(b) paying it to the beneficiary's custodian under the Missouri transfers to minors law under sections 404.005 to 404.094, RSMo, or a personal custodian under sections 404.400 to 404.650, RSMo, and, for that purpose, creating a custodianship or custodial trust;

(c) if the trustee does not know of a conservator, guardian, custodian, or custodial trustee, paying it to an adult relative or other person having legal or physical care or custody of the beneficiary, to be expended on the beneficiary's behalf; or

(d) managing it as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution;

(22) on distribution of trust property or the division or termination of a trust, make distributions in divided or undivided interests, allocate particular assets in proportionate or disproportionate shares, value the trust property for those purposes, and adjust for resulting differences in valuation;

(23) resolve a dispute concerning the interpretation of the trust or its administration by mediation, arbitration, or other procedure for alternative dispute resolution;

(24) prosecute or defend an action, claim, or judicial proceeding in any jurisdiction to protect trust property and the trustee in the performance of the trustee's duties;

(25) to engage and compensate attorneys, accountants, investment advisors, or other agents, and to delegate to them trustee's duties and functions in accordance with the provisions of section 456.8-807;

(26) sign and deliver contracts and other instruments that are useful to achieve or facilitate the exercise of the trustee's powers[.] ;

[(26)] (27) on termination of the trust, exercise the powers appropriate to wind up the administration of the trust and distribute the trust property to the persons entitled to it; and

[(27)] (28) to invest and reinvest trust assets in accordance with sections 469.900 to 469.913, RSMo; including investing and reinvesting in securities or obligations of any state or its political subdivisions, including securities or obligations that are underwritten by the trustee or an affiliate of the trustee or a syndicate in which the trustee or an affiliate of the trustee is a member which meet the standards established by the division of finance pursuant to subsection 5 of section 362.550, RSMo.

469.600. The doctrine of worthier title and the Rule in Bingham's case is abolished as a rule of law and as a rule of construction. Language in a governing instrument describing the beneficiaries of a disposition as the transferor's "heirs", "heirs at law", "next of kin", "distributees", "relatives", or "family", or language of similar import does not create or presumptively create a reversionary interest in the transferor.

473.333. If it appears that there is a surplus of money in the hands of the personal representative that will not shortly be required for the expenses of administration, or payment of claims, taxes or other required disbursements, the personal representative shall make such investment of the money on or after August 28, 1998, in accordance with the provisions of the Missouri prudent investor act, sections [456.900 to 456.913] **469.900**

to **469.913**, RSMo. The personal representative may also, without an order of court, invest in (1) direct obligations of, or obligations unconditionally guaranteed as to principal and interest, by the United States, or (2) accounts of savings and loan associations to the extent the accounts are insured by the Federal Savings and Loan Insurance Corporation, without inquiry as to whether the investment is reasonable and prudent. An order of court authorizing investments pursuant to this section does not relieve a personal representative or his sureties of responsibility and liability if the investment made is not in fact in accordance with the Missouri prudent investor act, sections [456.900 to 456.913] **469.900 to 469.913**, RSMo.

473.787. 1. While letters testamentary or of administration authorizing independent administration of the estate are in force, the personal representative therein named is an independent personal representative and his administration of the estate is an independent administration, and all actions taken on or after August 28, 1996, shall be in accordance with the provisions of the Missouri prudent investor act, sections [456.900 to 456.913] **469.900 to 469.913**, RSMo.

2. An independent personal representative shall proceed expeditiously with the settlement and distribution of the estate in accordance with the applicable provisions of this chapter and, except as otherwise specified by the provisions of sections 473.780 to 473.843, shall do so without adjudication, order, or direction of the court, but he may invoke the jurisdiction of the court, in proceedings authorized by this code, to resolve questions concerning the estate or its administration or distribution.

3. Unless he is a member in good standing of the Missouri bar, an independent personal representative, because he owes a fiduciary duty to the persons interested in the estate, shall secure the advice and services of an attorney, who is not a

salaried employee of the personal representative, on legal questions arising in connection with:

- (1) The application for and issuance of letters testamentary or of administration;
- (2) The collection, investment and preservation of assets;
- (3) The inventory;
- (4) The allowance, disallowance, compromise and payment of claims;
- (5) The making of tax returns;
- (6) The transfer and encumbrance of property of the estate;
- (7) The interpretation of the will and of the intestacy laws;
- (8) The scheme and making of distribution; and
- (9) The closing of the estate.

475.092. 1. If it is established in a proceeding conducted in [the] a manner [prescribed for] **similar to a proceeding for the** appointment of a conservator of the estate that a person is a minor or disabled, **or is blind or has a physical or mental disability as defined under state or federal law**, the court, without appointing a conservator, may authorize, direct or ratify any transaction necessary or desirable to achieve any security, service, or care arrangement meeting the foreseeable needs of the [minor or disabled] person.

2. When it has been established in such a proceeding that the person is a minor or disabled, **or is blind or has a physical or mental disability as defined under state or federal law**, the court, without appointing a conservator, may authorize, direct or ratify any contract or other transaction relating to the [minor or disabled] person's financial affairs or involving such person's estate if the court determines that the transaction is in the best interests of the [minor or disabled] person and if such action would otherwise be within the power of the court [pursuant to this chapter]. A

transaction pursuant to this section may include the establishment by the court or other grantor of an inter vivos trust, **including a trust that complies with the provisions of 42 U.S.C. Section 1396p(d)(4)**, on behalf of the [minor or disabled] person provided that upon such person's death, after the payment of trustees' fees, [the state of Missouri shall first receive all amounts remaining in the trust up to an amount equal to the total medical assistance paid on such person's behalf pursuant to a state plan as provided in Title 42 of the United States Code] **any payments to the state Medicaid agency that are required by the provisions of 42 U.S.C. Section 1396p(d)(4) are made** and, provided further, that any creditor of the [minor or disabled] person other than the state of Missouri shall also be paid all sums due for such person's care, maintenance and support, to the extent trust property is sufficient therefor, and, provided, such trust shall terminate upon such person's death and any amounts remaining in the trust after the foregoing payments shall be distributed to [such decedent's estate] **the remainder beneficiaries designated in the trust or as designated pursuant to the exercise of a power of appointment set forth in the trust. This section shall not be interpreted to require all such trusts to be established by a court proceeding.**

3. Before approving a protective arrangement or other transaction pursuant to this section, the court shall consider the interests of creditors and dependents of the [minor or disabled] person and, in view of such person's disability, whether such person needs the continuing protection of a conservator. The court may appoint a special conservator to assist in the accomplishment of any protective arrangement or other transaction authorized pursuant to this section who shall have the authority conferred by the order and serve until discharged by order after report to the court of all matters done pursuant to the order of appointment.

4. Notwithstanding any other law to the contrary, the trustee of any trust created or

approved by a Missouri court [for a minor or disabled person] prior to August 28, 1999, **for the benefit of a person who is a minor or disabled, or is blind or has a physical or mental disability as defined under state or federal law** shall not be liable to the state of Missouri or to any creditor of such person if, on August 28, 1999, the trust does not have sufficient assets to reimburse the state of Missouri for medical assistance paid on such person's behalf pursuant to a state plan as provided in Title 42 of the United States Code or to reimburse a creditor for sums due for such person's care, maintenance and support. Any such trust which is in existence as of August 28, 1999, shall be subject to subsection 2 of this section, as amended, notwithstanding any provisions of such trust to the contrary. The trustee shall not be liable for any distributions or payments made prior to August 28, 1999, pursuant to the terms of such trust.

475.130. 1. Conservator of the estate of a minor or disabled person shall, under supervision of the court, protect, preserve and manage the estate, invest it, on or after August 28, 1998, in accordance with the provisions of the Missouri prudent investor act, sections [456.900 to 456.913] **469.900 to 469.913**, RSMo, apply it as provided in this code, account for it faithfully, perform all other duties required of him by law, and at the termination of the conservatorship deliver the assets of the protectee to the persons entitled thereto. In protecting, preserving and managing the estate, the conservator of the estate is under a duty to use the degree of care, skill and prudence which an ordinarily prudent man uses in managing the property of, and conducting transactions on behalf of, others. If a conservator of the estate has special skills or is appointed on the basis of representations of special skills or expertise, he is under a duty to use those skills in the conduct of the protectee's affairs. A conservator of the estate is under a duty to act in the interest of the protectee and to avoid conflicts of interest which impair his ability so to act.

2. The conservator of the estate shall take possession of all of the protectee's real and personal property, and of rents, income, issue and profits therefrom, whether accruing before or after his appointment, and of the proceeds arising from the sale, mortgage, lease or exchange thereof. Subject to such possession, the title to all such estate, and to the increment and proceeds thereof, is in the protectee and not in the conservator. Upon a showing that funds available or payable for the benefit of the protectee by any federal agency are being applied for the benefit of the protectee, or that such federal agency has refused to recognize the authority of the conservator to administer such funds, the court may waive, by order, the duty of the conservator to account therefor.

3. The court has full authority under the rules of civil procedure to enjoin any person from interfering with the right of the conservator to possession of the assets of the protectee, including benefits payable from any source.

4. The conservator of the estate shall prosecute and defend all actions instituted in behalf of or against the protectee; collect all debts due or becoming due to the protectee, and give acquittances and discharges therefor, and adjust, settle and pay all claims due or becoming due from the protectee so far as his estate and effects will extend, except as provided in sections 507.150 and 507.188, RSMo.

5. A conservator of the estate has power, without authorization or approval of the court, to:

(1) Settle or compromise a claim against the protectee or the estate agreeing to pay or paying not more than one thousand dollars;

(2) Settle, abandon or compromise a claim in favor of the estate which does not exceed one thousand dollars;

(3) Sell, or agree to sell, chattels, choses in action and investment securities reasonably worth not more than one thousand dollars for cash or upon terms involving a reasonable extension of

credit;

(4) Exchange, or agree to exchange, chattels, choses in action and investment securities for other such property of equivalent value, not in excess of one thousand dollars;

(5) Insure or contract for insurance of property of the estate against fire, theft and other hazards;

(6) Insure or contract for insurance protecting the protectee against any liability likely to be incurred, including medical and hospital expenses, and protecting the conservator against liability to third parties arising from acts or omissions connected with possession or management of the estate;

(7) Contract for needed repairs and maintenance of property of the estate;

(8) Lease land and buildings for terms not exceeding one year, reserving reasonable rent, and renew any such lease for a like term;

(9) Vote corporate stock in person or by general or limited proxy;

(10) Contract for the provision of board, lodging, education, medical care, or necessities of the protectee for periods not exceeding one year, and renew any such contract for a like period.

6. If, in exercising any power conferred by subsection 5, of this section, a conservator breaches any of the duties enumerated in subsection 1, he may be surcharged for losses to the estate caused by the breach but persons who dealt with the conservator in good faith, without knowledge of or reason to suspect the breach of duty, may enforce and retain the benefits of any transaction with the conservator which he has power under subsection 5 of this section to conduct.

475.190. 1. The conservator shall invest the money of the protectee, from whatever source derived, unless it is required for other lawful purposes.

2. No investment, other than an investment (a) in the direct obligations of or obligations unconditionally guaranteed as to principal and interest by the United States or (b) in savings accounts and time deposits, including time certificates of deposit, in banking institutions to the extent such accounts or deposits are insured by the Federal Deposit Insurance Corporation or (c) in accounts of savings and loan associations to the extent such accounts are insured by the Federal Savings and Loan Insurance Corporation, shall be made without prior order of the court.

3. The conservator may invest in any other property, real or personal, which the court finds is a reasonable and prudent investment in the circumstances. An order of court authorizing investment under this subsection does not relieve a conservator or his sureties of responsibility and liability if the investment made is not in fact in accordance with the Missouri prudent investor act, sections [456.900 to 456.913] **469.900 to 469.913**, RSMo.

4. Every conservator shall make a report at every annual settlement of the disposition made by the conservator of the money belonging to the protectee entrusted to him. If it appears that the money is invested in securities, then the conservator shall report a detailed description of the securities and shall describe any real estate security and state where it is situated, and its value, which report shall be filed in the court. The court shall carefully examine into the report as soon as made, and, if in the opinion of the court the security is insufficient, the court shall make such orders as are necessary to protect the interest of the protectee. The conservator and his sureties are liable on their bond for any omission to comply with the orders of the court. If the money has not been invested as authorized by law the conservator shall state that fact and the reasons, and shall state that the conservator has been unable to make an investment after diligent effort to do so.

5. If any conservator refuses or neglects to

make the report at the time aforesaid, or makes a false report thereof, he and his sureties are liable on their bond for all loss or damage to the protectee occasioned by reason of his neglect or refusal so to report, or by making a false report, and the conservator may, on account thereof, be removed from his trust in the discretion of the court.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, pages 13 through 21 by deleting all of sections, 700.045, 700.111, 700.115, 700.355, 700.360, 700.385, 700.500 and inserting in lieu thereof the following:

“700.385. 1. When the holder of any indebtedness secured by a security agreement or other contract for security covering a manufactured home, **who has a notice of lien on file with the director of revenue**, repossesses the manufactured home either by legal process or in accordance with the terms of a contract authorizing the repossession of the manufactured home without legal process, the holder may obtain a certificate of [title] **ownership** from the director of revenue upon presentation of:

(1) An application[, which shall be upon a blank] form furnished by the director of revenue [and] **which** shall contain [the] **a** full description of the manufactured home and the manufacturer's or other identifying number;

(2) **A notice of lien receipt or the original certificate of ownership reflecting the holder's lien; and**

(3) An affidavit of the holder, **certified under penalties of perjury for making a false statement to a public official**, that the debtor defaulted in payment of the debt, and that the holder repossessed the manufactured home either

by legal process or in accordance with the terms of the contract, and the specific address where the manufactured home is held[; and

(3) The original, or a conformed or photostatic copy of the original, of the security agreement or other contract for security and the instrument or instruments evidencing the indebtedness secured by the security agreement or other contract for security.

The director may, by regulation, prescribe for the inclusion in either or both the application or affidavit required by this subsection any other information that he, from time to time, deems necessary or advisable, and may prescribe that the affidavit required by this subsection be part of the application]. **Such affidavit shall also state that the lienholder has the written consent from all owners or lienholders of record to repossess the manufactured home or has provided all the owners or lienholders with written notice of the repossession.**

2. On a manufactured home, the lienholder shall first give:

(1) Ten days' written notice by first class United States mail, postage prepaid, to each of the owners and other lienholders, if any, of the manufactured home at each of their last mailing addresses as shown by the last prior certificate of ownership, if any issued, or the most recent address on the lienholder's records, that an application for a repossessed title will be made; or

(2) The lienholder may, ten days prior to applying for a repossession title, include the information in the above notice in the appropriate uniform commercial code notice under sections 400.9-613 or 400.9-614, RSMo. Such alternative notice to all owners and lienholders shall be valid and enforceable under both the uniform commercial code and this section, provided it otherwise complies with the provisions of the uniform commercial code.

3. Upon the holder's presentation of the papers required by subsection 1 of this section and the payment of a fee of ten dollars, the director of revenue, if he is satisfied with the genuineness of the papers, shall issue and deliver to the holder a certificate of [title] **ownership** which shall be in its usual form except it shall be clearly captioned "Repossessed Title"[; except that, unless the application is accompanied by the written consent, acknowledged before an officer authorized to take acknowledgments, of the owners and other lienholders, if any, of the manufactured home as shown by the last prior certificate of title or ownership, if any, issued on the manufactured home for the issuance of a repossessed title to the applicant, no such repossessed title may be issued by the director of revenue unless the director shall first give ten days' written notice by first class United States mail postage prepaid to each of the owners and other lienholders, if any, of the manufactured home at each of their last mailing addresses as shown by the last prior certificate of title or ownership, if any, issued on the manufactured home that an application for a repossessed title has been made and the date the repossessed title will be issued, which notice shall be accompanied by a copy, photostatic or otherwise, of the application and affidavit. The application for repossessed title may be withdrawn by the applicant at any time before the granting thereof]. Each repossessed title so issued shall, for all purposes, be treated as an original certificate of [title] **ownership** and shall supersede the outstanding certificate of [title or] ownership, if any, and duplicates thereof, if any, on the manufactured home, all of which shall become null and void.

[3.] **4.** In any case where there is no certificate of [title or] ownership, or duplicate thereof, outstanding in the name of the debtor on the repossessed manufactured home, the director of revenue shall issue a repossessed title to the holder [upon the payment of] **and shall proceed to collect** all unpaid fees, taxes, charges and penalties

owed by the debtor, in addition to the fee specified in subsection 2 of this section.

5. The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 832**, entitled:

An Act to repeal sections 99.805, 99.810, 99.820, 99.845, and 99.847, RSMo, and to enact in lieu thereof eight new sections relating to tax increment financing.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Section 67.112, Page 1, Line 1, by deleting the words “**any real or personal property tax**” and inserting in lieu thereof the words “**the rate of any real or**

personal property tax or sales tax”; and

Further amend said Section and Page, Line 3, by inserting the word “**rate**” after the word “**tax**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Shields, the Senate recessed until 8:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 1017**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 1017**, as amended. Representatives: Loehner, Pollock, Myers, Harris (110) and Dake.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HBs 1698, 1236, 995, 1362 and 1290** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1930**, entitled:

An Act to repeal sections 92.715, 140.100, and 141.830, RSMo, and to enact in lieu thereof four new sections relating to collection of delinquent taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

Senator Ridgeway moved that **HCS for HB 1456**, with **SCS, SS No. 2 for SCS and SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 86, Section 288.500, Line 7, by inserting immediately after all of said line the following:

“290.145. It shall be an improper employment practice for [an] **any employer, including a public employer**, to refuse to hire, or to discharge, any individual, or to otherwise disadvantage any individual, with respect to compensation, terms or conditions of employment because the individual uses lawful alcohol or tobacco products off the premises of the employer during hours such individual is not working for the employer, unless such use interferes with the duties and performance of the employee, the employee’s coworkers, or the overall operation of the employer’s business; except that, nothing in this section shall prohibit an employer from providing or contracting for health insurance benefits at a reduced premium rate for employees who do not smoke or use tobacco products. Religious organizations and church-operated institutions, and not-for-profit

organizations whose principal business is health care promotion shall be exempt from the provisions of this section. [The provisions of this section shall not be deemed to created a cause of action for injunctive relief, damages or other relief.] **Any public employer who violates this provision shall not be entitled to sovereign immunity for a claim for relief brought pursuant to this section.”**; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 6** is out of order as it goes beyond the scope and purpose of the underlying legislation.

Senator Shields assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Callahan offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 1, Section A, Line 9, by inserting immediately after all of said line the following:

“285.400. 1. As used in sections 285.400 to 285.415, the following terms shall mean:

(1) **“Director”, the director of the department of labor and industrial relations;**

(2) **“Employee”, all individuals employed full-time or part-time directly by an employer;**

(3) **“Employer”, the same meaning as such term is defined in section 287.030, RSMo; except that, employer shall not include the federal government, the state of Missouri, any other state, or any political subdivision of this state or another state;**

(4) **“Health insurance costs”, the amount**

paid by an employer to provide health care or health insurance to employees in this state to the extent such costs may be deductible by an employer under federal tax laws and shall include payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits as defined in Section 231(d) of the Internal Revenue Code of 1986, as amended;

(5) "Wages", the same meaning as such term is defined in section 288.036, RSMo.

2. The provisions of sections 285.400 to 285.415 shall apply to any employer with ten thousand or more employees in this state.

285.403. 1. Beginning January 1, 2007, and annually thereafter, an employer shall submit on a form in a manner approved by the director:

(1) The number of employees of the employer in this state as of one day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis;

(2) The amount spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state; and

(3) The percentage of payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

2. The director shall promulgate rules to specify the information that an employer shall submit under subsection 1 of this section. Such information required shall:

(1) Be designated in a report signed by the principal executive officer or an individual performing a similar function; and

(2) Include an affidavit under penalty of perjury that the information required under

subsection 1 of this section was reviewed by the signing officer and is true to the best of the signing officer's knowledge, information, and belief.

3. When calculating the percentage of payroll under subdivision (3) of subsection 1 of this section, an employer may exempt:

(1) Wages paid to any employee in excess of the amount taxable for federal Social Security (FICA) purposes; and

(2) Wages paid to an employee who is enrolled in or eligible for Medicare.

285.406. 1. An employer that is organized as a nonprofit organization that does not spend up to eight percent of the total wages paid to employees in this state on health insurance costs shall pay to the director an amount equal to the difference between the amount the employer spends for health insurance costs and an amount equal to eight percent of the total wages paid to employees in this state.

2. An employer that is not organized as a nonprofit organization and that does not spend up to ten percent of the total wages paid to employees in this state on health insurance costs shall pay to the director an amount equal to the amount that the employer spends for health insurance costs and an amount equal to ten percent of the total wages paid to employees in this state.

3. No employer shall deduct any payment made under subsection 1 or 2 of this section from the wages of an employee.

4. An employer shall make the payments required under this section to the director on a periodic basis as determined by the director.

285.409. 1. Any employer that fails to report in accordance with sections 285.400 to 285.415 shall be subject to an administrative penalty of two hundred fifty dollars for each day that the report is not timely filed.

2. Any employer that fails to make a payment required under sections 285.400 to 285.415 shall be subject to an administrative penalty of two hundred fifty dollars.

285.412. 1. As used in this section, “health insurance benefits” includes payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits as defined in Section 213(d) of the Internal Revenue Code of 1986, as amended.

2. On or before March fifteenth of each year, the director shall report to the governor and the general assembly on:

(1) The name of each nonprofit and for-profit employer with ten thousand or more employees in this state;

(2) The employer's definition of full-time employee and part-time employee;

(3) The number of full-time employees;

(4) The number of full-time employees eligible to receive health insurance benefits from the employer;

(5) The number of full-time employees receiving health insurance benefits from the employer;

(6) The source of health insurance benefits for those eligible full-time employees not receiving health insurance benefits through an employer subject to reporting under sections 285.400 to 285.415, if known by the employer;

(7) The number of part-time employees;

(8) The number of part-time employees eligible to receive health insurance benefits from the employer;

(9) The number of part-time employees receiving health insurance benefits from the employer; and

(10) The source of health insurance benefits for those eligible part-time employees not

receiving health insurance benefits through an employer subject to reporting under sections 285.400 to 285.415, if known by the employer.

3. The information required under subsection 2 of this section shall be reported as of the information reporting date determined by the employer under subdivision (1) of subsection 1 of section 285.403.

285.415. 1. The director shall:

(1) On an annual basis and based on the information reported under subdivision (1) of subsection 1 of section 285.403:

(a) Verify which employers have ten thousand or more employees in this state; and

(b) Ensure that all employers with ten thousand or more employees in this state make the report required under section 285.403;

(2) Promulgate rules to implement the provisions of sections 285.400 to 285.415; and

(3) Transfer any moneys collected from the payroll assessment into the uncompensated care fund.

2. (1) There is hereby created in the state treasury the “Uncompensated Care Fund” which shall consist of moneys collected under sections 285.400 to 285.415. The state treasurer shall be custodian of the fund and shall disburse moneys from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely to reimburse licensed hospitals and federally qualified health centers that provide uncompensated care to patients.

(2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds

are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 285.400 to 285.415 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 285.400 to 285.415 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”

And further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that SA 7 is out of order as it goes beyond the scope and title of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Bray raised the point of order that SS No. 2 is out of order as it goes beyond the original purpose of the underlying bill.

Senator Scott assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Callahan offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 86,

Section 288.500, Line 7, by inserting immediately after all of said line the following:

“290.145. It shall be an improper employment practice for [an] **any employer, including a public employer**, to refuse to hire, or to discharge, any individual, or to otherwise disadvantage any individual, with respect to compensation, terms or conditions of employment because the individual uses lawful alcohol or tobacco products off the premises of the employer during hours such individual is not working for the employer, unless such use interferes with the duties and performance of the employee, the employee’s coworkers, or the overall operation of the employer’s business; except that, nothing in this section shall prohibit an employer from providing or contracting for health insurance benefits at a reduced premium rate for employees who do not smoke or use tobacco products. Religious organizations and church-operated institutions, and not-for-profit organizations whose principal business is health care promotion shall be exempt from the provisions of this section. [The provisions of this section shall not be deemed to create a cause of action for injunctive relief, damages or other relief.] **Any public employer who violates this section shall not be entitled to sovereign immunity for a claim for relief brought pursuant to this section.**”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Ridgeway requested a roll call vote be taken on the adoption of SA 8 and was joined in her request by Senators Barnitz, Bray, Callahan and Ridgeway.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens
Coleman	Days	Green—7	

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—25			

Absent—Senators

Dougherty Graham—2

Absent with leave—Senators—None

Vacancies—None

Senator Callahan offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 29, Section 288.040, Line 20, by inserting immediately after said line the following:

“288.042. 1. For purposes of this chapter, a “war on terror veteran” is a person who serves or has served in the military and to whom the following criteria apply:

(1) The person is or was a member of the national guard or a member of a United States armed forces reserves unit;

(2) The person was deployed as part of his or her military unit at any time after September 11, 2001, and such deployment caused the person to be unable to continue working for his or her employer;

(3) The person was employed either part time or full time before deployment; and

(4) The person was unemployed in his or her non-military employment either during or within thirty days after the completion of his or her deployment.

2. Notwithstanding any provisions of

sections 288.010 to 288.500, any war on terror veteran shall be entitled to receive unemployment compensation benefits under this chapter. A war on terror veteran shall be entitled to a maximum weekly benefit of eight percent of the wages paid to the war on terror veteran during that quarter during which the war on terror veteran earned the highest amount within the five quarters during which the war on terror veteran received wages before deployment. The maximum amount of a maximum weekly benefit shall be one thousand one hundred fifty-three dollars and sixty-four cents, annually adjusted by the consumer price index.

3. A war on terror veteran shall be entitled to a maximum weekly benefit for twenty-six weeks.

4. Any employer who is found in any Missouri court or United States district court located in Missouri to have terminated, demoted, or taken an adverse employment action against a war on terror veteran due to his or her absence while deployed shall be subject to an administrative penalty as determined by the director of the Missouri division of employment security in such amount as to provide funding for this section, but in no event shall the administrative penalty exceed one hundred thousand dollars. The director shall take judicial notice of judgments in suits brought under the Uniformed Service Employment and Reemployment Rights Act (38 U.S.C. 4301). Such judgments may be considered to have a res judicata effect on the director's determination.

5. A war on terror veteran shall not be considered to have voluntarily quit his or her employment if he or she is not offered the same wages, benefits, and similar work schedule upon his or her return after deployment.

6. There is hereby created in the state treasury the “War on Terror Unemployment

Compensation Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with section 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and money earned on such investments shall be credited to the fund.

7. The division of employment security may promulgate rules to enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Callahan offered SA 1 to SA 9, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No.

1456, Page 2, Section 288.042, Lines 12-16, by striking said lines and inserting in lieu thereof the following: “**deployed shall be subject to an administrative penalty in the amount of twenty-five thousand dollars. The director shall take judicial**”.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Coleman, Days and Wheeler.

SA 1 to SA 9 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty Graham—2

Absent with leave—Senators—None

Vacancies—None

SA 9, as amended, was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Days, Green and Wheeler.

SA 9, as amended, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty Graham—2

Absent with leave—Senators—None

Vacancies—None

Senator Bartle offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 86, Section 290.595, Lines 8-13, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Ridgeway requested a roll call vote be taken on the adoption of **SA 10**. She was joined in her request by Senators Bray, Callahan, Coleman and Crowell.

At the request of Senator Bartle, **SA 10** was withdrawn.

Senator Bartle offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 86, Section 290.595, Lines 8-13 of said page, by striking all of said section and inserting in lieu thereof the following:

“290.595. 1. As used in this section, the term “proper authorities” shall mean public authorities or authorities of the employer, but shall not include any individual who engaged in the reported illegal conduct.

2. The at-will employment doctrine shall not control when the elements of a whistleblower cause of action are established. A whistle-blower cause of action for wrongful discharge in violation of public policy is established if an employee proves by a

preponderance of the evidence that:

(1) The employee reported to a proper authority conduct that the employee had a good faith and reasonable belief violated a statute, constitutional provision, or regulation or a clearly mandated public policy;

(2) The employee was discharged; and

(3) The employee's report to a proper authority was the determining factor in the discharge.

3. The at-will employment doctrine shall not control when the elements of a refusal to commit an illegal act cause of action are established. A refusal to commit an illegal act cause of action for wrongful discharge in violation of public policy is established if an employee proves by a preponderance of the evidence that:

(1) The employee opposed the performance of conduct that the employee had a good faith and reasonable belief would, if completed, violate a statute, constitutional provision, or regulation or a clearly mandated public policy;

(2) The employee took action in opposition of the act or refused to perform the act;

(3) The employee was discharged; and

(4) The employee's action in opposition to the performance of the act or the employee's refusal to perform the act was the determining factor in the discharge.”.

Senator Bartle moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 11**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 11**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 86, Section 290.595, Lines 8-13, by striking all of said

section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted, which motion failed.

SA 11 was again taken up.

At the request of Senator Bartle, the above amendment was withdrawn.

Senator Bartle offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 86, Section 290.595, Lines 8-13, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway moved that **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended, be adopted, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Ridgeway, **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler—27	

NAYS—Senators

Bray	Coleman	Days	Wilson—4
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Absent—Senators

Dougherty Graham Purgason—3

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Gibbons declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HJR 55**, begs leave to report that it has considered the same and recommends that the Joint Resolution do pass.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 832**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 1017**, as amended: Senators Clemens, Stouffer, Mayer, Green and Wheeler.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Clemens moved that the conferees on **HCS** for **SCS** for **SB 756** be allowed to exceed the differences only to make technical corrections to allow the insertion of the missing line regarding licensed professional counselors, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the

following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, as amended: Senators Bartle, Koster, Gibbons, Days and Callahan.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 3065, regarding Kyle L. Buchheit, Old Appleton, which was adopted.

Senator Graham offered Senate Resolution No. 3066, regarding Andy Babitz, which was adopted.

Senator Graham offered Senate Resolution No. 3067, regarding Stacy Morse, which was adopted.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-NINTH DAY—TUESDAY, MAY 9, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1930-Hubbard, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight)

2. HCS for HB 1182 (Nodler)
3. HCS for HB 1317 (Goodman)

- | | |
|---|---|
| 4. HB 1504-Yates, with SCS (Loudon) | 12. HCS for HB 1837, with SCS (Loudon)
(In Fiscal Oversight) |
| 5. HCS for HB 1168, with SCS (Crowell) | 13. HCS for HB 1137, with SCS (Klindt) |
| 6. HB 994-Dusenberg, et al (Cauthorn) | 14. HCS for HB 1397 (Goodman) |
| 7. HCS for HB 1349, with SCS (Clemens)
(In Fiscal Oversight) | 15. HCS for HB 1075, with SCS |
| 8. HB 1619-Sutherland, et al, with SCS
(Gibbons) (In Fiscal Oversight) | 16. HB 1864-Nolte, et al (Alter) |
| 9. HCS for HB 1092, with SCS (Ridgeway)
(In Fiscal Oversight) | 17. HCS for HB 1581 (Champion)
(In Fiscal Oversight) |
| 10. HCS for HB 1059 (Nodler) | 18. HCS for HB 1078, with SCS (Loudon)
(In Fiscal Oversight) |
| 11. HB 1035-Young (49), et al (Callahan) | 19. HJR 55-Lipke (Crowell) |

UNOFFICIAL

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 566-Dougherty, et al, with SCS & SS
for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3
(pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1
(pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with
SCS & SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| HCS for HB 978, with SCS (pending)
(Goodman) | HB 1105-Wilson (119), et al
(Scott) |
| HCS for HB 1026, with SCS (Shields) | HB 1118-Dempsey, et al, with SCS#2
(Shields) |
| HCS for HBs 1030, 1033, 1146, 1225 &
1326, with SCS (Bartle) | HCS for HBs 1145, 1359 & 1121 (Scott) |

HCS for HB 1149, with SCS#2, SS for
SCS#2 & SA 5 (pending) (Klindt)
HCS for HB 1275 (Goodman)
HB 1320-Lipke, et al (Gibbons)
HCS for HB 1367, with SCS (Scott)
HCS for HB 1380, with SCS (Stouffer)
HB 1411-Smith (150), et al, with SCS
(Scott)
HB 1446-Whorton, et al (Barnitz)
HCS for HB 1485, with SCS (Ridgeway)
HB 1521-Richard, et al (Griesheimer)
HCS for HB 1532, with SCS (Griesheimer)

HCS for HB 1534 (Bartle)
HB 1623-St. Onge, et al, with SS, SA 1 &
points of order (pending) (Stouffer)
HCS for HB 1632, with SCS (Engler)
HB 1728-Rector, et al, with SCS (Klindt)
HCS for HB 1742, with SCS (Shields)
HCS for HB 1767, with SCS (Bartle)
HCS for HB 1900 (Shields)
HB 1905-Jetton, et al (Champion)
HB 1936-Tilley, with SCS (Stouffer)
HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)
HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HCS for HB 1511, with SCS (Shields)
HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)
HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)
HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)

HB 1144-May, et al (Clemens)
HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
 HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)
 HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 766-Vogel, with HA 1
 SB 818-Scott, with HA 2, as amended
 & HA 3
 SS for SCS for SBs 872, 754 &
 669-Gibbons, with HCS, as amended

SS for SCS for SB 892-Scott, with HCS,
 as amended
 SB 1002-Mayer, with HCS
 SCS for SB 1086-Kennedy, et al, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS,
 as amended
 (Senate adopted CCR and passed CCS)
 SCS for SB 756-Clemens, with HCS
 SCS for SB 773-Cauthorn and Barnitz,
 with HCS, as amended
 SCS for SB 932-Scott, with HCS
 (Senate adopted CCR#2 and passed CCS#2)
 SCS for SBs 1001, 896 & 761-Griesheimer,
 with HCS, as amended
 SS#2 for SCS for SBs 1014 & 730-Scott,
 with HCS, as amended

SB 1017-Clemens, with HCS, as amended
 HCS for HB 1022, with SCS, as amended
 (Gross)
 HCS for HBs 1270 & 1027, with SCS, as
 amended (Cauthorn)
 HCS for HB 1306, with SS for SCS, as
 amended (Crowell)
 HCS for HBs 1698, 1236, 995, 1362 &
 1290, with SS for SCS, as amended (Bartle)

Requests to Recede or Grant Conference

SS for SB 696-Nodler, with HCS,
 as amended
 (Senate requests House recede or
 grant conference)
 SS for SCS for SB 832-Griesheimer, with
 HCS, as amended
 (Senate requests House recede or
 grant conference)

HB 1865-Bearden, et al, with SCS, as
 amended (Shields)
 (Senate requests House recede and pass
 the bill or grant further conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

HCR 25-Bowman, et al (Days)

HCR 17-Quinn, et al (Stouffer)

HCR 15-Jetton, et al (Champion)

HCR 12-Portwood (Kennedy)

HCR 9-Ruestman, et al (Ridgeway)

HCR 4-Bruns (Rupp)

HCR 37-Loehner, et al (Barnitz)

HCR 10-Zweifel, et al (Loudon)

SR 2741-Wilson

HCR 18-Kuessner, et al

HCR 41-Sutherland, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal

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Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY—TUESDAY, MAY 9, 2006

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“I was often filled with despair. What kept me afloat, what kept me going, were the times I shared alone with God...But in those times, when I let him, God always lifted me up.” (Peter Lord, “Hearing God”)

Amazing God, Your grace lifts us like a wave when we are getting overwhelmed with tons of paper and reading to get through and debates to listen to and finally decisions that have to be made. May we take moments of silence throughout the day to be with You and talk with You and allow You to lift us up and direct our thoughts along Your right pathways so we may finish the day pleasing You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Koster offered Senate Resolution No. 3068, regarding Trent Strickland, which was adopted.

PRIVILEGED MOTIONS

Senator Vogel moved that the Senate refuse to concur in **HA 1** to **SB 766** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1275**, entitled:

An Act to amend chapter 161, RSMo, by

adding thereto one new section relating to the establishment of a virtual public school.

Was called from the Informal Calendar and taken up by Senator Goodman.

Senator Goodman offered **SS** for **HCS** for **HB 1275**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1275

An Act to repeal sections 163.011 and 163.031, RSMo, and to enact in lieu thereof three new sections relating to public schools, with an emergency clause for certain sections.

Senator Goodman moved that **SS** for **HCS** for **HB 1275** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1275, Page 1, Section A, Line 3 of said page, by inserting immediately after all of said line the following:

“160.930. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the program authorized under sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, shall automatically sunset two years after August 28, 2005, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, shall automatically sunset twelve years after the effective date of the reauthorization of sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo; and

(3) Sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, shall terminate on September first of the calendar year immediately following the calendar year in

which the program authorized under sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, is sunset.

161.213. 1. The department of elementary and secondary education shall develop standards for high-quality early childhood education no later than June 30, 2007. The standards shall be applicable to all public school pre-kindergarten programs that receive Title I or Missouri preschool project funds.

2. Such standards shall include, but not be limited to, the following principles:

(1) Access for all children whose parents or guardians choose to participate;

(2) Focus on cognitive, language, physical, and social/emotional development;

(3) Assessment of needs of children and their families;

(4) Highly qualified and properly certified teachers; and

(5) Delivery of comprehensive services supported by strong and accessible technical assistance and professional development.

3. In developing such standards, the department shall involve representatives of the business community, parents as teachers, head start, early childhood start, early childhood special education, Missouri preschool project, first steps, Title I preschools, and school district personnel.

4. Unless otherwise prohibited by federal law, public school districts shall not be prohibited from charging tuition and related charges for early childhood education programs.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of

chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend said bill, Page 20, Section 163.031, Line 16 of said page by inserting after “(b)” the following: **“a. For the 2006-07 school year,”**; and further amend line 18 of said page, by inserting an opening bracket “[” immediately before the word “in”; and further amend line 19 of said page, by inserting a closing bracket “]” after the word “subsection”; and further amend line 20 of said page by striking the word “in” and inserting in lieu thereof the following: **“that is in excess of fifteen percent of”**; and further amend line 23 of said page, by inserting after all of said line the following:

“b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than forty-four percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of forty-four percent

of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. For the 2009-10 school year, if a school district experiences a decrease in summer school average daily attendance of more than fifty-eight percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of fifty-eight percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

e. For the 2010-11 school year, if a school district experiences a decrease in summer school average daily attendance of more than seventy-two percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of seventy-two percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

f. For the 2011-12 school year, if a school district experiences a decrease in summer school average daily attendance of more than eighty-six percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of eighty-six percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

g. Notwithstanding the provisions of this paragraph, no such reduction shall be made in

the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

h. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.”; and

Further amend said bill, Page 23, Section 163.031, line 8 of said page, by inserting immediately after all of said line the following:

“167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, **and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty.** If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase

in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

☐ YES ☐ NO

(If you are in favor of the proposition (or question), place an X in the box opposite “YES”. If you are opposed to the proposition (or question), place an X in the box opposite “NO”).

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the

transportation and the time or times and method of payment.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1275, Page 3, Section 161.670, Line 47, by inserting after all of said line the following:

“Section 1. The attorney general shall represent any school district that has been classified as unaccredited within the previous five school years or any school district that has been classified as unaccredited and then subsequently classified as provisionally accredited within the previous five school years in all legal matters, including matters pending in a state circuit court, a state or federal appellate court, or the supreme court.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, **SA 2** was withdrawn.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 1275, Page 23, Section 163.031, Line 8, by inserting after all of said line the following:

“165.121. 1. The school board of each seven-director district shall cause an audit examination to be made at least biennially of all financial, transportation and attendance records of

the districts. Such examination shall be made in accordance with generally accepted auditing standards applicable in the circumstances, including such reviews and tests of the system of internal check and control and of the books, records and other underlying data as are necessary to enable the independent accountant performing the audit to come to an informed opinion as to the financial affairs (including attendance and transportation transactions) of the district. An independent auditor who is not regularly engaged as an employee of the school board shall perform the audit and make a written report of his findings.

2. The board shall supply each member thereof with a copy of the report and in addition shall furnish one copy each to the state department of elementary and secondary education and to the superintendent of schools of the county in which the district is located. The cost of the audit and report shall be paid for out of the incidental fund of the district.

3. The report shall contain the following information:

(1) A statement of the scope of examination;

(2) The auditor's opinion as to whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances;

(3) The auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;

(4) The auditor's opinion as to whether the financial statements accompanying the audit report were prepared in accordance with generally accepted accounting principles applicable to school districts;

(5) The reason or reasons an opinion is not rendered with respect to items (3) and (4) in the event the auditor is unable to express an opinion with respect thereto;

(6) The auditor's opinion as to whether the district's budgetary and disbursement procedures conform to the requirements of chapter 67, RSMo;

(7) The auditor's opinion as to whether attendance and transportation records are so maintained by the district as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;

(8) Financial statements presented in such form as to disclose the operations of each fund of the school district and a statement of the operations of all funds.

4. The school board shall furnish the state department of elementary and secondary education with its copy of the audit report not later than October thirty-first following the close of the fiscal period covered by the audit unless, for good cause shown prior to such date, the commissioner of education or some officer of the department of elementary and secondary education designated by him for this purpose grants an extension of time, not to exceed sixty additional days, for the filing of the report. In the event the report in the approved form is not filed within the period or extension thereof, further state aid to the district shall thereafter be withheld until the audit report has been received by the department of elementary and secondary education.

5. Within thirty days of the receipt of the audit report the school board shall cause a summary of the report to be prepared which shall include, together with any other matter the board deems appropriate, the following:

(1) A summary statement of fund balances and receipts and disbursements by major classifications of each fund and all funds;

(2) A summary statement of the scope of the audit examination;

(3) The auditor's opinion on the financial statements included in the audit report.

Immediately upon the completion of the summary, the school board shall cause it to be published once in a newspaper within the county in which all or a part of the district is located which has general circulation within the district or, if there is none, then the board shall cause the summary to be posted in at least five public places within the district. The publication shall contain information as to where the audit report is available for inspection and examination. The report shall be kept available for such purposes thereafter.

6. The state auditor shall have the authority to audit any public school district in the state.”;
and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Shields.

SA 3 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Cauthorn
Champion	Coleman	Crowell	Days
Dougherty	Graham	Green	Griesheimer
Kennedy	Scott	Stouffer	Wheeler
Wilson—17			

NAYS—Senators

Alter	Bartle	Clemens	Engler
Gibbons	Goodman	Gross	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Shields	Vogel—16

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House

Committee Substitute for House Bill No. 1275, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

“160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college located in the district; [or]

(4) [Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program] **Except in an urban school district, any private four-year college or university in Missouri with its primary campus located in Missouri in a standard metropolitan statistical area which contains a metropolitan school district, with an enrollment in excess of one thousand students, and with an approved teacher preparation program; or**

(5) A mayor of a city not within a county.

3. [The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a] **A workplace charter school[, which] is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in**

the charter, which is located in the city.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A

university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial

services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo. **If at any time the sponsor of a charter school has reason to believe that funds are being misappropriated, the sponsor shall notify the department of elementary and secondary education.**

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the

school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

(1) The educational goals and objectives to be achieved by the charter school;

(2) A description of the charter school's educational program and curriculum;

(3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;

(4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional

educator, and community involvement in the governance and operation of the charter school; and

(6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in

which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a “high-risk” student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program. “Dropout” shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education may, within sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed

to meet the statutory responsibilities of a charter sponsor.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit

by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission,

curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and

staff of the charter school shall jointly review the school's performance, management and operations at least once every two years or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency [for the sole purpose of seeking direct access to federal grants]. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for

the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. [Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.]

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities.

10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district

because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, “unlawful reprisal” means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. [The chief financial officer of a charter school shall] **A sponsor may require a charter school to maintain [a] surety [bond] or fidelity bonds in an amount determined by the sponsor to be adequate [based on the cash flow] to protect the creditors of the school.**

14. Within six months of the granting of a school's charter, and annually thereafter, the department of elementary and secondary education shall perform a core data audit. A core data audit shall be an analysis of the data provided under section 160.415, which is used to determine reimbursement by a school district to a charter school, for accuracy of the data and of the reimbursement.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the

school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011, RSMo, plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this

subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060, RSMo.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011, RSMo, plus all other state aid attributable to such pupils. If a charter school declares itself as a local education agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a

charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

8. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

9. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in

full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

10. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

11. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

12. The chief executive officer, or his or her representative, of any charter school that ceases to function as a charter school, whether by expiration, revocation, or termination of the school's charter, or for any other cause, shall:

(1) Provide notice to the department of elementary and secondary education, the charter school sponsor, and the school district in which the charter school is physically located that the charter school will discontinue operations as a charter school. Such notice shall be provided within fifteen days of the chief executive officer's attaining it; and

(2) Prepare an audit covering the close of operations as a public charter school as requested by the sponsor or the department of

elementary and secondary education, within the time specified in the request, which shall serve the requirement of section 160.410. The public charter school shall dispose of all remaining funds only pursuant to its articles of incorporation, by transferring the funds to a public benefit corporation authorized under state law or shall remit any fund balances accrued from state or local tax revenues to the department within forty-five days of closing.

13. Charter schools shall not have the power to acquire property by eminent domain.

[13.] **14.** The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.420. 1. Any school district in which charter schools may be established under sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. The district's policy shall provide that any teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and retains such teacher's seniority rights in the district for three years. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All

noncertificated instructional personnel shall be supervised by certificated instructional personnel. A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty-percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection. The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education. Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) The level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system,

the charter school shall be considered to be a public school within the school district, and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

[4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools

serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.]]"; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Coleman raised the point of order that the **SS** is out of order as it goes beyond the purpose of the original bill; and further that the **SS** violates the single subject provision of the Constitution.

The points of order were referred to the President Pro Tem who took them under advisement, which placed **HCS for HB 1275**, with **SS** and **SA 4** and the points of order pending, back

on the calendar.

HCS for HB 1367, with **SCS**, entitled:

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for HCS for HB 1367, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1367

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

Was taken up.

Senator Scott moved that **SCS for HCS for HB 1367** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1367, Page 1, Section 34.165, Lines 8-9, by striking all of the underlined words on said lines and inserting in lieu thereof the following:

“, if the participating nonprofit organization provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars.”

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1367, Page 1, Section A, Line 3, by inserting after all of said line, the following:

“8.310. 1. Any other provision of law to the contrary notwithstanding, no contracts shall be let for design, repair, renovation or construction

without approval of the director of the division of **facilities management**, design, and construction, and no claim for design, repair, construction or renovation projects under contract shall be accepted for payment by the commissioner of administration without approval by the director of the division of **facilities management**, design, and construction; except that the department of conservation, the boards of curators of the state university and Lincoln University, the several boards of regents of the state colleges and the boards of trustees of the community junior colleges may contract for architectural and engineering services for the design and supervision of the construction, repair, maintenance or improvement of buildings or institutions and may contract for construction, repair, maintenance or improvement. The director of the division of **facilities management**, design, and construction shall not be required to review any claim for payment under any such contract not originally approved by him. No claim under any contract executed by the department of conservation or an institution of higher learning, as provided above, shall be certified by the commissioner of administration unless the entity making the claim shall certify in writing that the payment sought is in accordance with the contract executed by the entity and that the underlying construction, repair, maintenance or improvement conforms with applicable regulations promulgated by the director pursuant to section 8.320.

2. The director shall select and identify in the capital appropriations bills those projects for which design-build or construction manager at risk is to be used, with the following limitations:

(1) No more than ten percent of the projects initiated annually by the division may be procured by design-build;

(2) No more than five percent of the projects initiated annually by the division may use the construction manager at risk process;

(3) At the end of the warranty period, the director shall direct the audit of each project and determine the effectiveness of the alternative procurement process; and

(4) Authorization to conduct design-build and construction manager at risk projects will expire July 1, 2011.

8.420. 1. Bonds issued under and pursuant to the provisions of sections 8.370 to 8.450 shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the board determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the board determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the board, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law,

and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

6. [After August 13, 1976,] The board shall not issue revenue bonds pursuant to the provisions of sections 8.370 to 8.450 for one or more projects, as defined in section 8.370, in excess of a total par value of [six hundred fifty-five] **seven hundred ten** million dollars.

7. [After August 13, 1976,] Any bonds which may be issued pursuant to the provisions of sections 8.370 to 8.450 shall be issued only for projects which have been approved by a majority of the house members and a majority of the senate members of the committee on legislative research of the general assembly, and the approval by the committee on legislative research required by the provisions of section 8.380 shall be given only in accordance with this provision. For the purposes of approval of a project, the total amount of bonds issued for purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

[8. No more than one hundred fifty million dollars of the net proceeds of the bonds authorized pursuant to sections 8.370 to 8.450 or sections 8.660 to 8.670 may be applied to general revenue in fiscal year 2003.]”;

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Bartle assumed the Chair.

Senator Scott moved that **SCS** for **HCS** for **HB 1367**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HCS** for **HB 1367**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Gibbons referred **SCS** for **HCS** for **HB 1367**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, as amended. Representatives: Lipke, Tilley, Jones, Johnson (61) and Johnson (90).

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 3069, regarding Ruth Spargo, which was adopted.

Senator Goodman offered Senate Resolution No. 3070, regarding Skaggs Community Health Center, Branson, which was adopted.

Senator Mayer offered Senate Resolution No. 3071, regarding Julie Hixson, Greenville, which was adopted.

Senator Stouffer offered Senate Resolution No. 3072, regarding Lois B. Stueve, which was adopted.

Senator Stouffer offered Senate Resolution No. 3073, regarding Kenneth N. Wiser, which was

adopted.

Senator Stouffer offered Senate Resolution No. 3074, regarding Patricia A. Martie, which was adopted.

Senator Stouffer offered Senate Resolution No. 3075, regarding R. Elaine Nuhn, which was adopted.

Senator Stouffer offered Senate Resolution No. 3076, regarding Wanda Grimm, which was adopted.

Senator Loudon offered Senate Resolution No. 3077, regarding Brianna Lennon, Ballwin, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HB 1182, entitled:

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to jurisdiction of the juvenile court.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HCS for HB 1182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Rupp	Scott	Shields	Stouffer
Wilson—29			

NAYS—Senators—None

Absent—Senators

Coleman	Klindt	Ridgeway	Vogel—4
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Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1026, with **SCS**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Shields.

SCS for HCS for HB 1026, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1026

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with an effective date.

Was taken up.

Senator Shields moved that **SCS for HCS for HB 1026** be adopted.

Senator Shields offered **SS for SCS for HCS for HB 1026**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1026

An Act to repeal section 578.501, RSMo, and to enact in lieu thereof two new sections relating to protest activities near funeral services, with penalty provisions, an emergency clause, and a contingent effective date.

Senator Shields moved that **SS for SCS for HCS for HB 1026** be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **HCS** for **HB 1026** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SCS**, as amended for **HCS** for **HB 1456** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 832**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 696**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 912**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 832**, as amended: Representatives: Johnson (47), Schneider, Wallace, Daus and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1008**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1008, Page 1, Section 620.1500, Lines 3 & 4, by deleting said lines and inserting in lieu thereof the following:

“Science and Technology”. The council shall consist of seven members. Two members shall be Missouri farmers, of which one member shall be a Missouri grain producer and one member shall be a Missouri livestock producer. The members of the council shall be appointed by and serve”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 696**, as amended: Senators Nodler, Griesheimer, Goodman, Green and Wheeler.

HOUSE BILLS ON THIRD READING

HB 1936, with **SCS**, introduced by Representative Tilley, entitled:

An Act to repeal section 197.291, RSMo, and to enact in lieu thereof one new section relating to the technical advisory committee on the quality of patient care and nursing practices.

Was called from the Informal Calendar and taken up by Senator Stouffer.

SCS for **HB 1936**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1936

An Act to repeal sections 192.935 and 197.291, RSMo, and to enact in lieu thereof three new sections relating to health care, with an expiration date.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 1936** be adopted.

Senator Shields assumed the Chair.

Senator Nodler assumed the Chair.

At the request of Senator Stouffer, **HB 1936**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Shields announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1014 and 730

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, with House Amendment Nos. 1 and 3 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House

Amendment No. 3, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Delbert Scott /s/ Bryan P. Stevenson

/s/ Michael R. Gibbons /s/ Bob May

/s/ Carl Vogel /s/ Ryan Silvey

/s/ Victor E. Callahan Margaret Donnelly

Maida Coleman Wes Wagner

Senator Scott moved that the above conference committee report be adopted.

Senator Mayer assumed the Chair.

At the request of Senator Scott, the motion to adopt the conference committee report was withdrawn.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS for SS for SCS for SB 832**, as amended: Senators Griesheimer, Koster, Gross, Green and Coleman.

Senator Griesheimer requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **HCS for SS for SCS for SB 832**, as amended, to meet while the Senate is in session, which request was denied.

CONFERENCE COMMITTEE REPORTS

Senator Scott moved that the **CCR on HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended, be taken up, which motion prevailed.

Senator Gross assumed the Chair.

Senator Scott moved that the **CCR on HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended, be adopted.

At the request of Senator Scott, the above motion was withdrawn.

Senator Scott moved that the Senate refuse to adopt the **CCR on HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended, and request the House to grant further conference, which motion prevailed.

Senator Griesheimer requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **HCS for SS for SCS for SB 832**, as amended, to meet while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

HCS for HBs 1030, 1033, 1146, 1225 and 1326, with **SCS**, entitled:

An Act to repeal sections 50.327, 50.339, 50.660, 52.230, 54.040, 59.331, 67.547, 67.797, 67.1003, 67.1360, 67.1806, 72.080, 100.050, 137.115, 138.010, 138.135, 139.100, 162.441, 177.091, 193.065, 228.040, 228.070, 228.190, 230.220, 260.830, 260.831, 321.200, 321.552, 479.020, 610.010, 644.584, 644.585, and 644.586, RSMo, and to enact in lieu thereof fifty-four new sections relating to political subdivisions, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Bartle.

SCS for HCS for HBs 1030, 1033, 1146, 1225 and 1326, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1030, 1033, 1146,
1225 and 1326

An Act to repeal sections 41.655, 50.327, 50.339, 50.565, 50.660, 52.230, 54.040, 59.170, 59.319, 59.331, 67.110, 67.463, 67.547, 67.797, 67.1003, 67.1360, 67.1451, 67.1545, 67.2500, 67.2510, 71.790, 71.796, 71.798, 72.080, 72.418, 84.160, 100.050, 105.470, 105.473, 115.124, 137.055, 137.106, 137.115, 137.390, 139.031, 162.441, 177.091, 193.065, 206.090, 228.040, 228.070, 228.190, 230.220, 247.040, 250.140, 260.830, 260.831, 311.070, 313.820, 321.552, 483.245, 610.010, and 701.450, RSMo, and to enact in lieu thereof seventy-two new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326** be adopted.

Senator Bartle offered **SS** for **SCS** for **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1030, 1033, 1146,
1225 and 1326

An Act to repeal sections 41.655, 50.327, 50.339, 50.565, 50.660, 52.230, 54.040, 59.170, 67.110, 67.463, 67.547, 67.797, 67.1003, 67.1360, 67.1451, 67.1545, 67.2500, 67.2510, 72.080, 72.418, 89.010, 89.400, 92.086, 100.050, 105.470, 105.473, 115.124, 137.055, 137.100, 137.115, 137.390, 144.080, 162.441, 206.090, 228.040, 228.070, 228.190, 230.220, 247.040, 250.140, 260.830, 260.831, 321.552, 610.010, 701.450, RSMo, and to enact in lieu thereof sixty-five new sections relating to political subdivisions, with penalty provisions and an emergency clause for

certain sections.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326** be adopted.

President Kinder assumed the Chair.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 69, Section 72.418, Line 14 of said page, by inserting after all of said line the following:

“84.160. 1. [Based upon rank and length of service, the board of police commissioners may authorize maximum amounts of compensation for members of the police force in accordance with the following tables. The amounts of compensation set out in the following tables shall be the maximum amount of compensation payable to commissioned employees in each of the categories, except as expressly provided in this section.

2. From July 1, 2005, until June 30, 2006:
SALARY MATRIX-POLICE OFFICER
THROUGH CHIEF OF POLICE-FISCAL YEAR

Asst.

	P.O.	Sgt.	Lieut.	Capt.	Maj.	Lt. Col.	Chief	Chief
Yrs.	Salary	Salary	Salary	Salary	Salary	Salary	Salary	Salary
0	34331							
1	35532							
2	36643							
3	38706							
4	39727							
5	41053	49445						
6	42379	49591						
7	44923	52550	57626					
8	46748	54679	59955					

9 48638 56878 62361 67793
 10 48807 57045 62528 67961
 11 49335 57213 62694 68129 74370
 12 49511 57379 62863 68296 74538 76479 80388 95054
 13 49677 57547 63030 68464 74703 79023 82932 95387
 14 49843 57715 63197 68630 74871 79189 83099 95721
 15 50012 57881 63364 68797 75038 79358 83268 96055
 16 50178 58048 63530 68964 75206 79524 83433 96390
 17 50347 58216 63699 69132 75374 79693 83602 96724
 18 50513 58383 63866 69369 75539 79858 83768 97057
 19 50679 58550 64034 69466 75707 80025 83934 97393
 20 50847 58717 64200 69633 75875 80193 84104 97728
 21 51014 58883 64367 69800 76042 80360 84269 98061
 22 51181 59052 64535 69967 76208 80529 84437 98395
 23 51349 59219 64702 70135 76375 80694 84604 98730
 24 51515 59385 64870 70302 76542 80864 84771 99062
 25 51683 59553 65036 70470 76711 81029 84940 99398
 26 51850 59719 65203 70637 76878 81196 85105 99733
 27 52019 59888 65371 70803 77044 81365 85273 100068
 28 52185 60055 65538 70971 77210 81530 85438 100402
 29 52351 60221 65703 71138 77379 81699 85607 100734
 30 52518 60389 65872 71303 77546 81864 85776 101070

3. Each of the above-mentioned salaries shall be payable in biweekly installments. The above-mentioned salaries assume twenty-six biweekly installments falling within the effective dates of the salary matrix. If twenty-seven biweekly installments fall within the effective dates of the salary matrix it is assumed that the salaries within the matrix will be adjusted upward accordingly to reflect the effect of an extra pay period falling within the effective dates of the salary matrix. Any increase in salaries within the matrix due to twenty-seven biweekly installments falling within the effective dates of the matrix will not continue into a period in which only twenty-six

biweekly installments are paid.] **As of July 1, 2006, the board of police commissioners shall have the authority to compute and establish the annual salary of each member of the police force without receiving prior authorization from the general assembly.**

2. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty dollars per annum payable biweekly. **Notwithstanding the provisions of subsection 1 of this section to the contrary,** no additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of sergeant or above. Notwithstanding any other provision of law to the contrary, nothing in this section shall prohibit the payment of additional compensation pursuant to this subsection to officers of the ranks of sergeants and above, provided that funding for such compensation shall not:

(1) Be paid from the general funds of either the city or the board of police commissioners of the city; or

(2) Be violative of any federal law or other state law.

[4.] 3. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided; provided, that in no event shall such municipal assembly or common council be required to appropriate for such purposes (including, but not limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation imposed by article X, section 21, Missouri Constitution; and provided further, that such municipal assembly or common council may appropriate a sum in excess of such limitation for any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the charter of such cities.

[5.] 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of police commissioners shall pay additional compensation for all hours of service rendered by probationary patrolmen and patrolmen in excess of the established regular working period, and the rate of compensation shall be one and one-half times the regular hourly rate of pay to which each member shall normally be entitled; except that, the court time and court standby time shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

[6.] 5. Notwithstanding the provisions of subsection 1 of this section to the contrary, probationary patrolmen and patrolmen shall receive additional compensation for authorized overtime, court time and court standby time whenever the total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

[7.] 6. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

[8.] 7. The board of police commissioners may effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries or for field training officer and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.

[9.] 8. The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) Shall provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) Shall provide health, medical, and life insurance coverage for retired officers and employees of the police department. Health, medical and life insurance coverage shall be made available for purchase to the spouses or dependents of deceased retired officers and employees of the police department who receive pension benefits pursuant to sections 86.200 to 86.364, RSMo, at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in an amount not to exceed ten percent of the officer's base hourly rate.

[10.] 9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly pay.

[11.] 10. The board of police commissioners, from time to time and in its discretion, may pay additional compensation to police officers, sergeants and lieutenants by paying commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be made in increments of not less than forty hours, and at rates equivalent to the base straight-time rates being earned by said officers at the time of payment; except that, no such officer shall be required to accept payment for accumulated

unused vacation time.

Further amend said bill, Page 162, Section D, Line 16 of said page, by inserting after “section” the following: “84.160 and the enactment of”; and further amend Line 18 of said page, by inserting after “section” the following: “84.160 and the enactment of”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 65, Section 72.418, Line 6, by deleting all of said section from the bill; and

Further amend said bill, Page 147, Section 321.552, Line 15, by deleting all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 71, Section 92.086, Line 5, by deleting Section 92.086 beginning on page 71, line 5 and ending on page 78, line 18.

Further delete Section C, page 162, lines 6-13 and Section D, page 162, lines 14-20.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Alter offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 16, Section 67.304, Line 14, of said page by inserting after all of said line the following:

“67.320. 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with **any** state law [but only in], **including but not limited to** the areas of traffic violations, solid waste management and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, RSMo, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall be synonymous with the term order for purposes of this section.”; and

Further amend said bill, page 130, section 206.090, line 24 of said page, by inserting after all of said line the following:

“227.559. Any home rule city having a population of sixty thousand inhabitants or greater [or], any charter county of the first classification, **or any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants** may adopt ordinances, policies, resolutions, or regulations consistent with sections 227.551 to 227.559 regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction, which are not state highways. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation.”; and

Further amend the title and enacting clause accordingly.

Senator Alter moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 147, Section 321.162, Line 14 of said page, by inserting immediately after said line the following:

“321.322. 1. **After August 28, 2006**, if any

property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the [city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been

generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district. Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services.

This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department and was on January 1, 2005, a city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely surrounded by a single fire district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418, RSMo] **fire protection district shall continue to provide services to the annexed area and may levy and collect taxes the same as such district had prior to the annexation of such property to the city.**"; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 127, Section 162.441, Line

27, by inserting immediately after said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District's tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States

Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the

number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the

bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines **or less any decrease in the amount received for school purposes from fines**

in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) “Membership” shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the

sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per

average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) "Weighted average daily attendance", the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of

six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation

under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision,

multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum

of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as

provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free

textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) If a school district experiences a decrease in summer school average daily attendance of

more than fifteen percent from the district's 2005-06 summer school average daily attendance in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received

under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant

to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”; and

Further amend said bill, page 162, section D, line 20, by inserting after all of said line the following:

“Section E. Because of the need to provide a quality education for Missouri students, sections 163.011 and 163.031 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 163.011 and 163.031 of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever comes later.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Goodman assumed the Chair.

Senator Barnitz offered **SA 1** to **SA 6**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 20, Section 163.031, Line 10, by inserting immediately after all of said line the following:

“163.032. 1. Notwithstanding the provisions of 163.011 to the contrary, when calculating state aid payments for the 2006-2007 and the

2007-2008 school years under this chapter, the department of elementary and secondary education shall utilize a dollar value modifier figure of 1.103 for any school district possessing a school district number signifying any county of the third classification without a township form of government and with more than twenty-two thousand eight hundred but fewer than twenty-two thousand nine hundred inhabitants. For the 2008-2009 school year and for each school year thereafter, the department of elementary and secondary education shall utilize the provisions of section 163.011 when determining state aid for such county.”

Senator Barnitz moved that the above amendment be adopted, which motion failed.

SA 6 was again taken up.

Senator Rupp moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Cauthorn, Mayer and Ridgeway.

SA 6 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Graham	Purgason—2
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Shields offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 69, Section 72.418, Line 14, by inserting immediately after said line the following:

“84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board. No officer, agent, or employee of the police department of such cities shall permit any such solicitation in any building or room occupied for the discharge of the official duties of the said department. No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. [No officer or employee of such department shall be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or

employee solicit any person to vote for or against any candidate for public office, or “poll precincts” or be connected with other political work of similar character on behalf of any political organization, party, or candidate.] All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

[3.] 2. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

[4.] 3. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

[5.] 4. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

[6.] 5. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

[7.] 6. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

[8.] 7. Any officer or any employee of the

police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 4, Section 41.655, Line 20, by inserting immediately after said line the following:

“49.082. 1. A county commissioner in any county, other than in a first classification chartered county or a first classification county not having a

charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall, subject to any other adjustment otherwise provided in this section, receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of commissioner on January 1, 1997.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$19,140
41,000,000 to 53,999,999	19,800
54,000,000 to 65,999,999	21,120
66,000,000 to 85,999,999	22,440
86,000,000 to 99,999,999	23,760
100,000,000 to 130,999,999	25,080
131,000,000 to 159,999,999	26,400
160,000,000 to 189,999,999	27,060
190,000,000 to 249,999,999	27,390
250,000,000 to 299,999,999	28,380
300,000,000 [or more] to 329,999,999	29,700
330,000,000 to 359,999,999	31,700
360,000,000 to 389,999,999	33,700
390,000,000 to 419,999,999	35,700
420,000,000 to 449,999,999	37,700
450,000,000 to 499,999,999	39,700
500,000,000 to 549,999,999	41,700
550,000,000 or more	43,700

2. In addition to any compensation provided pursuant to subsection 1 of this section, the presiding commissioner of any county not having a charter form of government shall receive two thousand dollars annual salary.

3. Two thousand dollars of the salary authorized in this section shall be payable to a commissioner only if the commissioner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the commissioner's office when approved by a professional association of the county commissioners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each commissioner who completes the training program and shall send a list of certified commissioners to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to a county commissioner in the same manner as other expenses as may be appropriated for that purpose.

4. A county commissioner in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon a two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county commissioner or presiding commissioner respectively for the particular county for services rendered or performed on the date the salary commission votes.”; and

Further amend said bill, page 6, section 50.327, line 23, by inserting immediately after said line the following:

“50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the

recorder, except as provided pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, 1997.

Assessed Valuation	Salary
\$ 8,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000

500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.”; and

Further amend said bill, page 7, section 50.339, line 16, by inserting immediately after said line the following:

“50.343. 1. Other provisions of law to the contrary notwithstanding, in any first classification nonchartered county, including any county containing any part of a city with a population of three hundred thousand or more, the annual salary of a county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator may be computed on an assessed valuation basis, without regard to modification due to the existence of enterprise zones or financing under chapter 100, RSMo, as set forth in the following schedule except as provided in subsection 2 of this section. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit a reduction in the amount of compensation being paid on January 1, 1997, for any of the offices subject to this section on January 1, 1997.

(1) For a recorder of deeds, clerk, auditor, presiding commissioner, collector, treasurer, assessor, or salaried public administrator:

Assessed Valuation	Salary
\$ 450,000,001 to 600,000,000	\$47,000
600,000,001 to 750,000,000	49,000
750,000,001 to 900,000,000	51,000
900,000,001 to 1,050,000,000	53,000
1,050,000,001 to 1,200,000,000	55,000
1,200,000,001 to 1,350,000,000	57,000
1,350,000,000 [and over] to 1,500,000,000	59,000
1,500,000,001 to 1,650,000,000	61,000
1,650,000,001 to 1,800,000,000	63,000
1,800,000,001 to 1,950,000,000	65,000
1,950,000,001 and over	67,000

(2) Presiding commissioners shall receive a salary of two thousand dollars more than the salary received by the associate commissioners.

2. After December 31, 1990, in any county of the second classification which becomes a first classification county without a charter form of government, the annual compensation of county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor and the public administrator in counties where the public administrator is paid a salary under the provisions of section 473.740, RSMo, may be set at the option of the salary commission. On or before October first of the year immediately prior to the beginning of the county fiscal year following the general election after the certification by the state equalizing agency that the county possesses an assessed valuation placing it in first classification status, the salary commission shall meet for the purpose of setting compensation for such county officials and such compensation shall be payable immediately except that no compensation of any county official shall be reduced and the compensation of presiding county commissioners

in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Thereafter in all such counties the salary commission shall meet for the purpose of setting the compensation of the officers in this subsection who will be elected at the next general election, and such compensation shall be payable upon the beginning of the next term of office of such officers; except that, no compensation of any officer shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Two thousand dollars of the compensation established under the procedures authorized pursuant to this subsection shall be payable to a county officer only if the officer has completed at least twenty hours of classroom instruction in the operation of the office in the same manner as provided by law for officers subject to the provisions of section 50.333. At the salary commission meeting which establishes the percentage rate to be applied to county officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county officers may be adjusted by the county commission, not to exceed the percentage increase given to the other county employees.

3. Other provisions of this section to the contrary notwithstanding, at the option of a majority of the county salary commission members, the salary of associate commissioners of a county of the first classification without a charter form of government with a population of at least eighty-two thousand but not more than eighty-five thousand inhabitants may be set at no more than sixty-five percent of the amount on the salary schedule for the county affected.”; and

Further amend said bill, page 11, section 50.660, line 7, by inserting immediately after said line the following:

“51.281. 1. The county clerk in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of clerk on January 1, 1997.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the clerk only if the clerk has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the clerk's office when approved by a professional association of the county clerks of Missouri unless

exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each clerk who completes the training program and shall send a list of certified clerks to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county clerk in the same manner as other expenses as may be appropriated for that purpose.

3. [The county clerk may retain any fees to which he is entitled for services performed in the issuance of fish and game licenses or permits.

4.] The county clerk in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county clerk in the particular county for services rendered or performed on the date the salary commission votes.”; and

Further amend said bill, page 11, section 52.230, line 23, by inserting immediately after said line the following:

“52.269. 1. In all counties, except first classification counties having a charter form of government and first classification counties not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, the county collector shall receive an annual salary which shall be paid in equal monthly installments by the county. The salary shall be computed on an assessed valuation basis as provided in this subsection. The assessed valuation factor shall be the amount as shown for the year next preceding the annual salary computation. A county collector subject to the provisions of this section shall not receive an annual compensation less than the total

compensation being received by the county collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county collector shall receive the same percentage adjustments provided by the county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county collector on January 1, 1997, or less than the total compensation being received for the services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary

authorized in this section shall be payable to the collector only if the collector has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the collector's office when approved by a professional association of the county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each collector who completes the training program and shall send a list of certified collectors to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county collector in the same manner as other expenses as may be appropriated for that purpose.

3. Any provision of law to the contrary notwithstanding, any fee provided for in section 52.250 or 52.275, when collected on ditch and levee taxes, shall not be collected on behalf of the county and deposited into the county general revenue fund. Such fee shall be retained by the collector as compensation for his services, in addition to any amount provided for such collector in this section.

4. Except as provided in subsection 3 of this section, after the next general election following January 1, 1988, all fees collected by the collector shall be collected on behalf of the county and deposited in the county general revenue fund.”;

“53.082. 1. The county assessor in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule provided in this subsection. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of assessor on September 1, 1997.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000

41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. The compensation for county assessors in second, third and fourth classification counties for the term of office beginning September 1, 1997, shall be calculated pursuant to the salary schedule in this section using the percentage increase approved by the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in 1997. This salary shall become effective on September 1, 1997.

3. Two thousand dollars of the salary authorized in this section shall be payable to the assessor only if the assessor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the assessor's office when approved by a professional association of the county assessors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a

certificate of completion to each assessor who completes the training program and shall send a list of certified assessors to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county assessor in the same manner as other expenses as may be appropriated for that purpose.

4. The county assessor in any county, except a first classification county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county assessor in the particular county for services rendered or performed on the date the salary commission votes.”; and

Further amend said bill, page 12, section 54.040, line 8, by inserting immediately after said line the following:

“54.261. 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction, nor shall require an increase, in the amount of compensation being paid for the office of treasurer on January 1, 2002.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000

86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session may be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual

compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

5. In the event of a vacancy due to death, resignation, or otherwise in the office of treasurer in any county except a county with a charter form of government, and when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030, RSMo, or the elected treasurer returns to work. The county commission shall employ and fix the compensation of clerical and other assistants necessary to enable the interim treasurer to efficiently perform the duties of the office.”;

“54.320. 1. The county collector-treasurer in counties of the third and fourth classifications adopting township organization shall receive an annual salary as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. A county collector-treasurer subject to the provisions of this section shall not receive an annual compensation less than the total compensation being received by the county treasurer ex officio collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county collector-treasurer shall receive the same percentage adjustments provided by county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county treasurer ex officio collector on January 1, 1997, or less than the total compensation being received for the services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 to [449,999,999]	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

In addition, the collector-treasurer shall collect on behalf of the county a fee for the collection of all back taxes and all delinquent taxes of two percent on all sums collected to be added to the face of the tax bill, and collected from the party paying the tax. The collector-treasurer shall collect on behalf of the county a fee of three percent on all licenses, including current railroad and utility taxes, surtax, back taxes, delinquent taxes and interest collected by the collector-treasurer, to be deducted from the amounts collected. The collector-treasurer shall collect on behalf of the county for the purpose of mailing statements and receipts required by section 139.350, RSMo, a fee of one-half of one percent on all licenses and all taxes, including current taxes, back taxes, delinquent taxes, and interest collected by the collector-treasurer, to be deducted from the amounts collected. All fees collected

under this section shall be collected on behalf of the county and shall be deposited in the county treasury or as provided by law. Collector-treasurers in counties having a township form of government are entitled to collect such fees immediately upon an order of the circuit court under section 139.031, RSMo. If the protest is later sustained and a portion of the taxes so paid is returned to the taxpayer the county shall return that portion of the fee collected on the amount returned to the taxpayer. The collector-treasurer in each of the third and fourth classification counties which have adopted the township form of county government is entitled to employ deputies and assistants, and for the deputies and assistants is allowed not less than the amount allowed in 2003-2004, whichever is greater.

2. Notwithstanding any provisions of law to the contrary, the collector-treasurer in each county of the third or fourth classification having a township form of government shall employ not fewer than one full- time deputy. The collector-treasurer may employ such number of deputies and assistants as may be necessary to perform the duties of the office of collector-treasurer promptly and correctly, as determined by the collector- treasurer. The office of the collector-treasurer shall be funded sufficiently to compensate deputies and assistants at a level no less than the compensation provided for other county employees. Such deputies and assistants shall be allowed adjustments in compensation at the same percentage as provided for other county employees, as effective January first each year.

3. Two thousand dollars of the salary authorized in this section shall be payable to the collector-treasurer only if such officer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the collector-treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the

professional association. The professional association approving the program shall provide a certificate of completion to each collector-treasurer who completes the training program and shall send a list of certified collector-treasurers to the county commission of each county. Expenses incurred for attending the training session may be reimbursed to the county collector-treasurer in the same manner as other expenses as may be appropriated for that purpose.”;

“55.091. 1. The county auditor in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall receive an annual salary computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of auditor on January 1, 1997.

Assessed Valuation	Salary
\$ 131,000,000 to 189,999,999	\$40,500
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 to [399,999,999] 329,999,999	45,000
[400,000,000 to 499,999,999]	46,000
500,000,000 or more	47,000]
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary

authorized in this section shall be payable to the auditor only if the auditor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the auditor's office when approved by a professional association of the county auditors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each auditor who completes the training program and shall send a list of certified auditors to the treasurer of each county. Expenses incurred attending the training session may be reimbursed to the county auditor in the same manner as other expenses as may be appropriated for that purpose.

3. The county auditor in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county auditor in the particular county for services rendered or performed on the date the salary commission votes.”;

“56.265. 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

Assessed Valuation	Amount
\$ 18,000,000 to 40,999,999	\$37,000
41,000,000 to 53,999,999	38,000
54,000,000 to 65,999,999	39,000
66,000,000 to 85,999,999	41,000

86,000,000 to 99,999,999	43,000
100,000,000 to 130,999,999	45,000
131,000,000 to 159,999,999	47,000
160,000,000 to 189,999,999	49,000
190,000,000 to 249,999,999	51,000
250,000,000 to 299,999,999	53,000
300,000,000 [or more] to 329,999,999	55,000
330,000,000 to 359,999,999	57,000
360,000,000 to 389,999,999	59,000
390,000,000 to 419,999,999	61,000
420,000,000 to 449,999,999	63,000
450,000,000 to 499,999,999	65,000
500,000,000 to 549,999,999	67,000
550,000,000 or more	69,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term “prosecuting attorney” includes the circuit attorney of any city not within a county.

4. The prosecuting attorney of any county which becomes a county of the first classification

during a four-year term of office or a county which passed the proposition authorized by section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.

5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.”;

“58.095. 1. The county coroner in any county, other than in a first classification chartered county, shall receive an annual salary computed on a basis as set forth in the following schedule. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of coroner on January 1, 1997:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$8,000
41,000,000 to 53,999,999	8,500
54,000,000 to 65,999,999	9,000
66,000,000 to 85,999,999	9,500
86,000,000 to 99,999,999	10,000
100,000,000 to 130,999,999	11,000
131,000,000 to 159,999,999	12,000
160,000,000 to 189,999,999	13,000
190,000,000 to 249,999,999	14,000
250,000,000 to 299,999,999	15,000
300,000,000 [or more] to 329,999,999	16,000
330,000,000 to 359,999,999	17,000
360,000,000 to 389,999,999	18,000
390,000,000 to 419,999,999	19,000
420,000,000 to 449,999,999	20,000
450,000,000 to 499,999,999	21,000

500,000,000 to 549,999,999 **22,000**

550,000,000 or more **23,000**

2. One thousand dollars of the salary authorized in this section shall be payable to the coroner only if the coroner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the coroner's office when approved by a professional association of the county coroners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each coroner who completes the training program and shall send a list of certified coroners to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county coroner in the same manner as other expenses as may be appropriated for that purpose.

3. The county coroner in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county coroner in the particular county for services rendered or performed on the date the salary commission votes.

4. For the term beginning in 1997, the compensation of the coroner, in counties in which the salary commission has not voted to pay one hundred percent of the maximum allowable salary, shall be a percentage of the maximum allowable salary established by this section. The percentage applied shall be the same percentage of the maximum allowable salary received or allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of that county for the year beginning January 1, 1997. In those counties in which the salary commission has voted to pay one hundred percent of the maximum allowable salary, the compensation of the coroner shall be based on the maximum

allowable salary in effect at each time a coroner's term of office commences following the vote to pay one hundred percent of the maximum allowable compensation. Subsequent compensation shall be determined as provided in section 50.333, RSMo.

5. Effective January 1, 1997, the county coroner in any county, other than a county of the first classification with a charter form of government, may, upon the approval of the county commission, receive additional compensation for any month during which investigations or other services are performed for three or more decedents in the same incident during such month. The additional compensation shall be an amount that when added to the regular compensation the sum shall equal the monthly compensation of the county sheriff.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 84, Section 92.500, Line 12 of said page, by inserting immediately after said line the following:

“92.715. 1. The collectors of cities operating under the provisions of sections 92.700 to 92.920 shall proceed to collect the taxes contained in the back tax book or [record] **recorded** list of the delinquent land and lots in the collector's office as herein required.

2. Any person interested in or the owner of any tract of land or lot contained in the back tax book or in the recorded list of delinquent lands and lots in the collector's office may redeem such tract of land or town lot, or any part thereof, from the

state's or such city's lien thereon, by paying to the proper collector the amount of the original taxes, together with interest from the date of delinquency at the rate of [one] **two** percent per month with a maximum rate of [ten] **eighteen** percent per annum and the costs. **Notwithstanding the foregoing, any individual taxpayer whose income is at or below one hundred eighty-five percent of the Federal poverty guidelines or sixty years of age or older shall only be assessed interest from the date of delinquency at the rate of one percent per month, with a maximum rate of ten percent per annum. The collector of revenue shall have the authority to request any necessary documentation. The collector of revenue shall separately account for any amounts of interest and penalties collected where such amounts are in excess of one percent per month and ten percent per annum with respect to a particular property and shall deposit such excess amounts with the city treasurer, to be held in a separate account. Funds in such account shall be used solely for purposes of lead hazard remediation, abatement and/or removal in buildings and structures owned and operated by the board of education of a metropolitan district where educational activities involving children are conducted, and in any buildings and structures in which recreational activities for children are conducted, until all such lead hazard abatement, remediated, or removed. Thereafter, funds in such account shall be used solely for purposed of lead hazard abatement, remediation, and/or removal in other buildings and structures located in any city not within a county. Upon appropriation, the building commissioner of the any city not within a county shall be authorized to draw funds from such account for such purposes and shall cooperate with the board of education of a metropolitan district to use such funds effectively and efficiently for the purposes set forth herein.** [For any delinquency occurring after January 1, 2000, the rate shall not exceed the prime

rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System.]

3. If suit shall have been commenced against any tract of land or town lot for the collection of taxes, the person desiring to redeem any such land before judgment, in addition to the original tax, interest and costs including attorney's fee accruing under this law, shall pay to the city collector all necessary costs incurred in the court where the suit is pending, and the city collector shall account to the clerk of the court in which said suit is filed for the court costs so collected.

4. The provisions of the law with reference to the compromise of taxes shown on the back tax book or recorded list of delinquent land and lots in the collector's office shall apply to and shall also authorize the compromise of any judgment for taxes after the same had been rendered therefor and up to that time when the property shall be sold under execution issued on said judgment; such compromise to be authorized by the same officials and under the same conditions as set forth under existing law for the compromise of taxes. The comptroller of any city operating under the provisions of sections 92.700 to 92.920 shall serve in lieu of the county commission. The comptroller shall also have the right to correct manifest errors.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 47, Section 67.1545, Line 28 of said page, by inserting after all of said line the following:

“67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.”; and

Further amend said bill, Page 130, Section 206.090, Line 24 of said page, by inserting after all of said line the following:

“227.240. 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, municipality, public water supply district, sewer district, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission. Nothing contained in this section shall lessen, remove, or eliminate property rights bestowed upon sewer districts established under the Missouri Constitution at their creation.

2. A cable television corporation or company shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.

3. The commission or some officer selected by the commission shall serve a written notice upon

the entity, person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

4. The commission is authorized in the name of the state of Missouri to institute and maintain, through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not

in accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.”; and

Further amend said bill, Pages 133 to 138, Section 247.040, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 155, Section 473.748, Line 13, by inserting after all of said line the following:

“590.045. Notwithstanding any other provisions of law to the contrary, any person commissioned and serving as a reserve peace officer, as defined by section 590.010, on August 27, 2001, within a county of the first classification prior to August 28, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a peace officer in such county.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 144, Section 304.701, Line 6, by inserting after all of said line the following:

“311.190. 1. For the privilege of

manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified in this section, in quantities not to exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty- four percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits, there shall be paid to and collected by the director of revenue, in lieu of the charges provided in section 311.180, a license fee of five dollars for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of three hundred dollars.

2. Notwithstanding the provisions of subsection 1 of this section, a manufacturer licensed under this section may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of the manufacturer's wine entered into fermentation in the prior calendar year.

3. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the director of the department of agriculture shall determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

4. A manufacturer licensed under this section may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this section and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this

section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between [11:00] 9:00 a.m. and 10:00 p.m.

311.294. Wine and malt beverages, permit to allow tasting on premises--limitations.--

1. Notwithstanding any other provisions of this chapter to the contrary, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail under sections 311.200 and 311.293, may apply to the supervisor of liquor control for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. A licensee under this section shall pay to the director of revenue an additional twenty-five dollars a year payable at the same time and manner as other license fees.

2. However, a licensee under this section may charge a set sampling fee in which event an individual person participating in the sampling may be served multiple samples up to the equivalents of twenty-four ounces of beer, twelve ounces of wine, and three ounces of distilled spirits.

3. Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or who is visibly intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For

purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

311.297. 1. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler or brewer, or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples on a retail license premises for customer tasting purposes. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by the drink for consumption on the premises where sold retail license.

2. No money or something of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises

product tasting. In addition, the product tasting shall be provided to the customer free of charge.

3. Any winery, distiller, manufacturer, wholesaler or brewer, or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. Solicitation for later sales via forms or promotional materials shall not constitute a violation of this section.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 13:**

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 155, Section 321.688, Line 4 of said page, by inserting immediately after said line the following:

“409.107. [No] Any investment firm [, legal] offering municipal bond underwriting of financial advisory services, or any law firm offering bond counsel services, or any persons having an interest in [any] such firms shall [be involved in any manner in the issuance of bonds authorized by an election in which the firm or person made any contribution of any kind whatsoever to any campaign in support of the bond election] limit their participation in the campaign in support of a general obligation bond election to assistance with steering committee organizations, promotional materials development, preparation of suggested election strategies, attendance at public forums to answer questions regarding the financial and legal issues involved, and other activities that do

not involve any direct or indirect financial contributions.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion failed.

Senator Griesheimer offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 159, Section 610.010, Lines 13-20 of said page by striking all of said lines and inserting in lieu thereof the following: **“include any item regarding a private individual employed by the municipality that is collected or maintained by any municipality regarding such individual's financial information or medical history and which contains the individual's identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, except that this exemption shall not apply to the name, position, salary, and length of service of any officer or employee of a municipality or public agency once the individual is employed in such position. Any document or”.**

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 128, Section 190.053, Line 22, by inserting immediately after said line the following:

“191.778. 1. Any order or ordinance adopted by any city of the fourth classification

with more than thirty-one thousand two hundred but fewer than thirty-one thousand six hundred inhabitants prohibiting smoking in certain public places shall not apply to any restaurant, bar, or tavern located within such city and established on or before the adoption of such order or ordinance until such date that seventy-five percent of the municipalities located in any county with a charter form of government and with more than one million inhabitants adopt a substantially similar order or ordinance.

2. The status of any restaurant, bar, or tavern exempt from any order or ordinance under subsection 1 of this section shall not be a factor in determining or issuing any permit or license to such business.

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 133, Section 230.220, Line 25, by inserting immediately after said line the following:

“233.280. 1. County collectors shall receive for collecting special tax bills authorized by sections 233.170 to 233.315 the same compensation as if collected as county taxes.

2. Clerks of county commissions shall receive for issuing and attesting each special tax bill issued under sections 233.170 to 233.315, six cents; for recording an abstract or description of each such tax bill, five cents; for making the record of a special tax payable in installments, four cents for each tract of land against which such tax is

assessed; for attesting special assessment bonds issued under sections 233.170 to 233.315, and registering the same, twenty cents for each bond; for any other services performed under sections 233.170 to 233.315, such compensation as may be fixed by law, and if not fixed by law, such as may be fixed by the county commission.

3. Commissioners of road districts incorporated under sections 233.170 to 233.315 shall receive [no] **such** compensation for their services **as a majority of the road district commissioners shall set from time to time, not to exceed one hundred dollars per month, provided that any change in compensation under this section shall not take effect for each commissioner until the commissioner's term has expired, [but] and** shall be paid any and all expenses they may incur in transacting business of the district, including reasonable attorney's fees.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Bartle, **HCS for HBs 1030, 1033, 1146, 1225 and 1326**, with **SCS, SS for SCS and SA 16** (pending), was placed on the Informal Calendar.

HCS for HB 1380, with **SCS**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Stouffer.

SCS for HCS for HB 1380, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1380

An Act to amend chapter 227, RSMo, by

adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

Was taken up.

Senator Bartle assumed the Chair.

Senator Stouffer moved that **SCS for HCS for HB 1380** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1380, Page 14, Section 227.669, Line 8, by inserting immediately after said line the following:

“Section 1. The toll bridge located nearest to the Lake of the Ozarks shall be named “W.T. Dawson Memorial Bridge.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Stouffer moved that **SCS for HCS for HB 1380** be adopted, which motion prevailed.

Under the provisions of **SR 91**, Senator Wilson was excused from voting.

On motion of Senator Stouffer, **SCS for HCS for HB 1380** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—31	

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Wheeler—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 1317 was placed on the Informal Calendar.

At the request of Senator Loudon, **HB 1504**, with **SCS**, was placed on the Informal Calendar.

HCS for HB 1168, with **SCS**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to impaired pharmacists.

Was taken up by Senator Crowell.

SCS for HCS for HB 1168, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1168

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

Was taken up.

Senator Crowell moved that **SCS for HCS for HB 1168** be adopted.

Senator Crowell offered **SS for SCS for HCS for HB 1168**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1168

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

Senator Crowell moved that **SS for SCS for HCS for HB 1168** be adopted, which motion prevailed.

On motion of Senator Crowell, **SS for SCS for HCS for HB 1168** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended: Representatives: Stevenson, May, Silvey, Wagner and Donnelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS for SB 1066**.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons reappointed the following conference committee to act with a like committee from the House on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended: Senators Scott, Gibbons, Vogel, Callahan and Coleman.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 3078, regarding Kathryn New, Saint Peters, which was adopted.

Senator Gibbons offered Senate Resolution No. 3079, regarding Lucinda Housley, which was adopted.

Senator Gibbons offered Senate Resolution No. 3080, regarding Kristoffer Simpson, which was adopted.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTIETH DAY—WEDNESDAY, MAY 10, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1930-Hubbard, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight) | 8. HCS for HB 1837, with SCS (Loudon)
(In Fiscal Oversight) |
| 2. HB 994-Dusenbergh, et al (Cauthorn) | 9. HCS for HB 1137, with SCS (Klindt) |
| 3. HCS for HB 1349, with SCS (Clemens)
(In Fiscal Oversight) | 10. HCS for HB 1397 (Goodman) |
| 4. HB 1619-Sutherland, et al, with SCS
(Gibbons) (In Fiscal Oversight) | 11. HCS for HB 1075, with SCS (Nodler) |
| 5. HCS for HB 1092, with SCS (Ridgeway)
(In Fiscal Oversight) | 12. HB 1864-Nolte, et al (Alter) |
| 6. HCS for HB 1059 (Nodler) | 13. HCS for HB 1581 (Champion)
(In Fiscal Oversight) |
| 7. HB 1035-Young (49), et al (Callahan) | 14. HCS for HB 1078, with SCS (Loudon)
(In Fiscal Oversight) |
| | 15. HJR 55-Lipke (Crowell) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 566-Dougherty, et al, with SCS & SS
for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3
(pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1
(pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (pending) (Goodman)	HB 1446-Whorton, et al (Barnitz)
HCS for HBs 1030, 1033, 1146, 1225 & 1326, with SCS, SS for SCS & SA 16 (pending) (Bartle)	HCS for HB 1485, with SCS (Ridgeway)
HB 1105-Wilson (119), et al (Scott)	HB 1504-Yates, with SCS (Loudon)
HB 1118-Dempsey, et al, with SCS#2 (Shields)	HB 1521-Richard, et al (Griesheimer)
HCS for HBs 1145, 1359 & 1121 (Scott)	HCS for HB 1532, with SCS (Griesheimer)
HCS for HB 1149, with SCS#2, SS for SCS#2 & SA 5 (pending) (Klindt)	HCS for HB 1534 (Bartle)
HCS for HB 1275, with SS, SA 4 & points of order (pending) (Goodman)	HB 1623-St. Onge, et al, with SS, SA 1 & points of order (pending) (Stouffer)
HCS for HB 1317 (Goodman)	HCS for HB 1632, with SCS (Engler)
HB 1320-Lipke, et al (Gibbons)	HB 1728-Rector, et al, with SCS (Klindt)
SCS for HCS for HB 1367 (Scott) (In Fiscal Oversight)	HCS for HB 1742, with SCS (Shields)
HB 1411-Smith (150), et al, with SCS (Scott)	HCS for HB 1767, with SCS (Bartle)
	HCS for HB 1900 (Shields)
	HB 1905-Jetton, et al (Champion)
	HB 1936-Tilley, with SCS (pending) (Stouffer)
	HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)
 HCS for HB 1511, with SCS (Shields)
 HCS for HB 1135 (Stouffer)
 HCS for HB 1710 (Gibbons)

HCS for HB 1333 (Mayer)
 HCS for HB 1366 (Engler)
 HB 1424-Franz (Purgason)
 HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
 HCS for HB 1037 (Klindt)
 HB 1144-May, et al (Clemens)
 HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
 HB 1833-Wood, et al (Goodman)
 HB 1988-Wagner, et al (Barnitz)
 HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 818-Scott, with HA 2, as amended &
 HA 3
 SS for SCS for SBs 872, 754 &
 669-Gibbons, with HCS, as amended
 SS for SCS for SB 892-Scott, with HCS,
 as amended

SB 1002-Mayer, with HCS
 SCS for SB 1008-Klindt, with HA 1
 SCS for SB 1086-Kennedy, et al, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS,
 as amended
 (Senate adopted CCR and passed CCS)
 SS for SB 696-Nodler, with HCS, as
 amended
 SCS for SB 756-Clemens, with HCS
 SCS for SB 773-Cauthorn and Barnitz,
 with HCS, as amended
 SS for SCS for SB 832-Griesheimer, with
 HCS, as amended

SCS for SB 932-Scott, with HCS
 (Senate adopted CCR#2 and passed CCS#2)
 SCS for SBs 1001, 896 & 761-Griesheimer,
 with HCS, as amended
 SS#2 for SCS for SBs 1014 & 730-Scott,
 with HCS, as amended
 (Further conference granted)
 SB 1017-Clemens, with HCS, as amended
 HCS for HB 1022, with SCS, as amended
 (Gross)

HCS for HBs 1270 & 1027, with SCS, as
amended (Cauthorn)
HCS for HB 1306, with SS for SCS, as
amended (Crowell)

HCS for HBs 1698, 1236, 995, 1362 &
1290, with SS for SCS, as amended
(Bartle)

Requests to Recede or Grant Conference

SB 766-Vogel, with HA 1
(Senate requests House
recede or grant conference)
HCS for HB 1456, with SS#2 for SCS, as
amended (Ridgeway)
(House requests Senate
recede or grant conference)

HB 1865-Bearden, et al, with SCS, as
amended (Shields)
(Senate requests House
recede and pass the bill or
grant further conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross
HCR 25-Bowman, et al (Days)
HCR 17-Quinn, et al (Stouffer)
HCR 15-Jetton, et al (Champion)
HCR 12-Portwood (Kennedy)
HCR 9-Ruestman, et al (Ridgeway)

HCR 4-Bruns (Rupp)
HCR 37-Loehner, et al (Barnitz)
HCR 10-Zweifel, et al (Loudon)
SR 2741-Wilson
HCR 18-Kuessner, et al
HCR 41-Sutherland, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY—WEDNESDAY, MAY 10, 2006

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"You show me the path of life. In your presence there is fullness of joy; in your right hand are pleasures forevermore." (Psalm 16:11)

O God, we have reached the mid point of this final week and know that the political commentators are already assessing what we have done here. Let us leave it to them to determine our hits and misses but for us we have desired to serve and to follow the paths You have laid open before us. Let us know Your joy from our serving and let our pleasure be in knowing we have done our best in following Your lead. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Kinder assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 3081, regarding Brian Eric Hackworth, Jr., which was adopted.

Senator Vogel offered Senate Resolution No. 3082, regarding the Eighty-fifth Birthday of Freda Pauline Smith, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 3083, regarding Alex R. Prenger, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 3084, regarding Jean Kuttenkuler, Corder, which was adopted.

Senator Stouffer offered Senate Resolution No. 3085, regarding David Michael, Cowgill, which was adopted.

Senator Stouffer offered Senate Resolution No. 3086, regarding Sarah S. Black, Lexington, which was adopted.

SECOND READING OF SENATE BILLS

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

SJR 43—Commerce, Energy and the Environment.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1930—Ways and Means.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 894**, entitled:

An Act to repeal section 163.021 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof five new sections relating to educational standards and guidelines, with an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 2 to House Amendment No. 5, House Amendment No. 5, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bill No. 894, Page 6, Section 1, Line 16, by adding immediately after all of said line the following:

“Section 2. If a school district has been classified as unaccredited within the previous five school years and the district is subsequently classified as provisionally accredited, the district shall be subject to lapse on June thirtieth of any school year in which the state board of education withdraws provisional accreditation or at a later date as determined by the state board of education.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 6, Section 1, Line 16, by inserting immediately after all of said line the following:

“Section 2. 1. In any city not within a county where a child under the age of seventeen required to attend school under section 167.031 accumulates fifteen or more absences during any one school year, the child's school district shall report such absences to the division of family services, children's division, within ten business days of the fifteenth day of absence. Such notification, which shall be in written form and retained in the student's school records, shall include:

- (1) The student's full name and parents' or guardians' full names;**
- (2) The addresses and phone numbers of the student and parents or guardians;**
- (3) The student's date of birth and age;**
- (4) The student's current school and grade level;**
- (5) The student's current grades for all**

classes in which the student is enrolled; and

(6) The total number of days missed and specific days missed from school.

2. Upon receipt of a report of the absences of a child under this section, the children's division shall notify the child's parent or guardian that the child has accumulated fifteen or more absences and such report may be subject to the educational neglect provisions under section 210.145, RSMo. The notification required under this section is required regardless of whether a student's parent or guardian contacted the school and approved of the absences.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 6, Section 1, Line 16 by inserting after said line the following:

“Section 2. 1. As used in this section, “automated external defibrillator” means a specialized defibrillator that is approved for use as a medical device by the United States Food and Drug Administration for performing automated external defibrillation.

2. The board of education of each school district shall require the placement of an automated external defibrillator in each high school under the control of the board. Where a school-sponsored competitive athletic event is held at a site other than a public school facility, the public school officials may ensure that such automated external defibrillator is available for use at the site. The board shall require that a sufficient number of the staff persons assigned to each high school under the control of the board successfully complete an appropriate training course in the use of an automated external defibrillator as described in section

190.092, RSMo.

3. In regard to the use of an automated external defibrillator that is placed in a high school as specified in this section, and except in the case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 190.092, RSMo, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation. The school district or school where the automated external defibrillator is located shall likewise not be held liable for damages resulting from the use of an automated external defibrillator, provided that all other requirements of section 190.092, RSMo, have been met.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 1, Line 9, by inserting after all of said Line the following:

“Further amend said bill, Page 4, Section 163.021, Line 1, by inserting immediately preceding all of said Line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to

section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours attended by [all] **only those summer school pupils who are attending summer school classes in the core academic areas of communication arts, mathematics, science, and social studies** by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital

outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District's tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary

disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the

department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily

attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized

in calculation outlined in paragraph (a) of this subdivision;

(11) “Membership” shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) “Performance district”, any district that has met all performance standards and indicators

as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily

attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds

the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 1, Line 11 by inserting after said line the following:

“House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 105.711, Page 13, Line 217, by inserting after all of said section, the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily

attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal

year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District’s tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is

established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in

lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines **or less any decrease in the amount received for school purposes from fines in any school district located at least partially in any county, except in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, that has created or creates a county municipal court after June 30, 2004.** If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) “Membership” shall be the average of:

(a) The number of resident full-time students

and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) “Performance district”, any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall

never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the

limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend said amendment, page 10, section B, line 29, by inserting after all of said line the following:

“Section F. Because of the need to provide a quality education for Missouri students, sections 163.011 and 163.031 are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 163.011 and 163.031 shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever comes later.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“To repeal section 167.231, RSMo, and sections 163.021 and 163.031 as enacted by conference committee substitute for house committee”; and

Further amend said bill, Page 1, Section A, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“Section A. Section 167.231, RSMo, and sections 163.021 and 163.031 as enacted by conference committee substitute for house”; and

Further amend said bill, Page 6, Section 163.021, Line 71, by inserting after all of said line

the following:

“163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair

share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program

entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount

of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) **a. For the 2006-07 school year**, if a school district experiences a decrease in summer school average daily attendance of more than fifteen percent from the district's 2005-06 summer school average daily attendance [in any year governed by this subsection], an amount equal to

the product of the percent reduction [in] **that is in excess of fifteen percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.**

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than **thirty percent from the district's 2005-06 summer school average daily attendance**, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than **forty-four percent from the district's 2005-06 summer school average daily attendance**, an amount equal to the product of the percent reduction that is in excess of forty-four percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. For the 2009-10 school year, if a school district experiences a decrease in summer school average daily attendance of more than **fifty-eight percent from the district's 2005-06 summer school average daily attendance**, an amount equal to the product of the percent reduction that is in excess of fifty-eight percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

e. For the 2010-11 school year, if a school district experiences a decrease in summer school average daily attendance of more than seventy-two percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of seventy-two percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

f. For the 2011-12 school year, if a school district experiences a decrease in summer school average daily attendance of more than eighty-six percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of eighty-six percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

g. Notwithstanding the provisions of this paragraph, no such reduction shall be made in the case of a district receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

h. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by

the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as

was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as

provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, **and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty.** If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

☐ YES

☐ NO

(If you are in favor of the proposition (or question),

place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the transportation and the time or times and method of payment.”; and

Further amend said bill, Page 6, Section B, Line 2, by deleting all of said line and inserting in lieu thereof the following: “schools, the repeal and reenactment of sections 163.021, 163.031, and 167.231 of section A of this act are deemed”; and

Further amend said bill, Page 6, Section B, Line 5, by deleting all of said line and inserting in lieu thereof the following: “and reenactment of sections 163.021, 163.031, and 167.231 of section A of this act shall be in full force and effect on”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Senator Shields announced that photographers

from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

CONCURRENT RESOLUTIONS

Senator Kennedy moved that **HCR 12** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Kennedy, **HCR 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Rupp	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman	Gibbons	Ridgeway—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1900**, entitled:

An Act to repeal sections 105.473, 105.963, 130.011, 130.016, 130.046, and 130.056, RSMo, and to enact in lieu thereof six new sections

relating to campaign finance.

Was called from the Informal Calendar and taken up by Senator Shields.

Senator Shields offered **SS** for **HCS** for **HB 1900**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1900

An Act to repeal sections 105.470, 105.473, 105.485, 105.487, 105.957, 105.959, 105.963, 130.011, 130.016, 130.032, 130.046, 130.050, and 130.054, RSMo, and to enact in lieu thereof sixteen new sections relating to ethics, with an effective date.

Senator Shields moved that **SS** for **HCS** for **HB 1900** be adopted.

Senator Griesheimer assumed the Chair.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 54, Section 130.032, Lines 26-28, by striking all of said lines; and

Further amend said bill and section, page 55, lines 1-7 by striking all of said lines from the bill.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Green.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Dougherty
Engler	Graham	Wheeler	Wilson—8

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Gibbons
Goodman	Green	Griesheimer	Gross

Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—25			

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 51, Section 130.016, Line 10, by inserting after all of said line the following:

“130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to “cash” shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned

immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the

person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure **or any person using automated telephone recordings or paid telephone solicitations relative to any candidate for public office or any ballot measure** shall on the face of the printed matter **or in the body of the recorded telephone message or paid telephone solicitation** identify in a clear and conspicuous manner the person who

paid for the printed matter **or recorded telephone message or paid telephone solicitation** with the words “Paid for by” followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, “printed matter” shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but “printed matter” is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print **or verbally identify** the first and last name by which the candidate is known.

(2) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by a committee, it shall be sufficient identification to print **or verbally identify** the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid

for.

(3) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print **or verbally identify** the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by an individual or individuals, it shall be sufficient identification to print **or verbally identify** the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter **or a recorded telephone message or telephone solicitation** it shall be sufficient identification to print **or verbally state** the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed **or distributed via a recorded telephone message or paid telephone solicitation**, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter **or a recorded telephone message or paid telephone solicitation** pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SA 1 to SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 6, Section 130.031, Line 10, by inserting after the word "staff" the following:

“.

13. In regard to any printed matter,

recorded telephone message or telephone solicitation, anyone misleading, misstating, or omitting the sponsor of such material or telecommunication is guilty of a Class A misdemeanor”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Scott assumed the Chair.

Senator Shields offered **SSA 1** for **SA 2**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24, by inserting after all of said line the following:

“Section 1. The ethics commission shall study methods to improve the regulation of persons and organizations that conduct or utilize political telephone solicitations. The commission shall issue a report containing recommendations to the general assembly no later than January 1, 2007.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 56, Section 130.046, Line 10, by adding after the word “quarter” the following:

“except that the April quarterly report shall be deemed timely filed on or before the twenty-

second day”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Pages 31-33, Section 115.342, by striking all of said section from the bill and inserting in lieu thereof the following:

“115.342. 1. Any person who files as a candidate for election to an office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any local or state taxes, including but not limited to income taxes, personal property taxes, or any business taxes for a business in which the person has a majority interest or is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349, RSMo. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any local or state taxes, other than those taxes which may be in dispute.

..... Candidate's Signature

..... Printed Name of Candidate.”

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any local or state taxes, the department of revenue shall investigate such

potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all outstanding taxes.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SA 1 to SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 2, Section 115.342, Line 9, by inserting immediately after the word “state” the following:

“, or the official who accepted such candidate’s declaration of candidacy,”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House

Committee Substitute for House Bill No. 1900, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

“105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any

application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof;

(4) Be under contract to or be an employee of a firm whose primary mission is to influence the decisions of the general assembly, any state agency, or any political subdivision.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice

and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Dougherty, Green and Wheeler.

Senator Shields offered **SA 1 to SA 5**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 3, Section 105.456, Line 3, by striking the word “primary” and inserting in lieu thereof the following: “**exclusive**”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

On motion of Senator Graham, the above amendment was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Kennedy	Koster	Loudon

Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators

Cauthorn	Gross	Klindt—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Green offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24 of said page, by inserting immediately after said line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the fees imposed by this section shall be collected by all permanent branch offices and all full-time or temporary offices maintained by the department of revenue.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents.

5. No person shall be selected or appointed by the director of revenue to act as an agent of the department of revenue if:

(1) Such person is related within the fourth degree of consanguinity or affinity to any elected government official of this state; or

(2) Such person is related within the fourth degree of consanguinity or affinity to the spouse of any elected government official of this state.”;
and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Days and Callahan.

Senator Bray offered **SSA 1** for **SA 6**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24 of said page, by inserting after all of said line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue **as provided in subsection 2 of this section** to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three

dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The department of revenue shall award fee office contracts under this section with priority given as follows:

(1) To school districts or coalitions of school districts;

(2) To charitable organizations;

(3) To individuals through a competitive bidding process. Any revenues generated as a result of the competitive bidding process shall be distributed to the school districts in the county in which the fee office is located, with the moneys to be distributed on a per-pupil basis.

3. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the fees imposed by this section shall be collected by all permanent branch offices and all full-time or temporary offices maintained by the department of revenue.

[3.] **4.** Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor

vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

[4.] **5.** The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Shields raised the point of order that **SA 6** and **SSA 1** for **SA 6** are out of order as both amendments go beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled the point of order on **SSA 1** for **SA 6** well taken, and the point of order on **SA 6** not well taken.

SA 6 was again taken up.

Senator Green moved that the above amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Coleman	Days	Dougherty	Graham
Green	Kennedy	Wheeler	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senators

Cauthorn Crowell—2

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 1, Section A, Line 7, by inserting after all of said line, the following:

“21.181. No employee of the general assembly shall receive compensation for any fund raising activities on behalf of political parties or a political campaign without taking an approved leave of absence from employment from the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

“21.145. Each senator or representative shall be reimbursed from the state treasury for actual and necessary expenses in an amount equal to [eighty] one hundred percent of the federal per diem established by the Internal Revenue Service for Jefferson City for each day on which the journal of the senate or house, respectively, shows the presence of such senator or representative. Upon certification by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as to the respective members thereof, the commissioner of

administration shall approve and the state treasurer shall pay monthly such expense allowance.”; and

Further amend said bill, Page 67, Section 130.056, Line 24 of said page, by inserting after all of said line the following:

“130.165. 1. A member of the general assembly shall not accept meals, food, beverage, or other gifts from a legislative lobbyist or the lobbyist's principal as defined in subdivision (4) of section 105.470. RSMo.

2. The provisions of this section may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Callahan offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 15, Section 105.473, Line 5 of said page, by inserting after all of said line the following:

“14. Notwithstanding any other provision of law, all expenditures made by a lobbyist or lobbyist principal for occasions involving any caucus of the general assembly shall be apportioned and reported as an expenditure on behalf of each public official in attendance at such occasion.

15. All expenditures classified as gifts under this section made or provided during any reporting period to any public official's staff, employees, spouse, or dependent children shall be reported as a gift to such public official.”.

Senator Callahan moved that the above

amendment be adopted, which motion failed.

Senator Graham offered SA 10, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 59, Section 130.046, Line 2, by striking the word “aggregate” and further amend said page and line by striking the following: “five hundred” and inserting in lieu thereof the following: **“two hundred fifty”**.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24 of said page, by inserting immediately after said line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue and confirmed with the advice and consent of the senate to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three

dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the fees imposed by this section shall be collected by all permanent branch offices and all full-time or temporary offices maintained by the department of revenue.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 11** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 15, Section 105.473, Line 5 of said page, by inserting immediately after said line the following:

“105.483. Each of the following persons shall be required to file a financial interest statement:

(1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of the supreme court, and candidates for any such office;

(2) Persons holding an elective office of the state, whether by election or appointment, and candidates for such elective office, except those running for or serving as county committee members for a political party pursuant to section 115.609, RSMo, or section 115.611, RSMo;

(3) The principal administrative or deputy officers or assistants serving the governor, lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which officers shall be designated by the respective elected state official;

(4) The members of each board or commission and the chief executive officer of each public entity created pursuant to the constitution or interstate compact or agreement and the members of each board of regents or curators and the chancellor or president of each state institution of higher education;

(5) The director and each assistant deputy director and the general counsel and the chief purchasing officer of each department, division and agency of state government;

(6) Any official or employee of the state authorized by law to promulgate rules and regulations or authorized by law to vote on the adoption of rules and regulations;

(7) Any member of a board or commission created by interstate compact or agreement, including the executive director and any Missouri resident who is a member of the bi-state development agency created pursuant to sections 70.370 to 70.440, RSMo;

(8) Any board member of a metropolitan sewer district authorized under section 30(a) of article VI of the state constitution;

(9) Any member of a commission appointed or operating pursuant to sections 64.650 to 64.950, RSMo, sections 67.650 to 67.658, RSMo, or sections 70.840 to 70.859, RSMo;

(10) The members, the chief executive officer and the chief purchasing officer of each board or commission which enters into or approves contracts for the expenditure of state funds;

(11) Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, and each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485;

(12) Any person who is designated as a

decision-making public servant by any of the officials or entities listed in subdivision (6) of section 105.450;

(13) Any person selected or appointed under section 136.055, RSMo, to act as an agent for the department of revenue whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion failed.

Senator Shields moved that **SS** for **HCS** for **HB 1900**, as amended, be adopted, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Shields, **SS** for **HCS** for **HB 1900**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Dougherty—1

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Gibbons declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 1619**, with **SCS**; **HCS** for **HB 1092**, with **SCS**; **SCS** for **HCS** for **HB 1367**; **HB 1302**; **HCS** for **HB 1837**, with **SCS**; and **HCS** for **HB 1349**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1884**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Ridgeway moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Nodler moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 894**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended: Senators Ridgeway, Koster, Crowell, Barnitz and Coleman.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1124**, entitled:

An Act to repeal sections 41.950, 317.001, 317.006, 317.011, 317.013, 317.014, 317.015, 317.018, 324.010, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.655, 334.660, 334.735, 335.066, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.615, 337.618, 337.668, 337.700, 337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.010, 338.035, 338.095, 338.220, 339.010, 339.040, 339.100, 339.507, 339.509, 339.513, 339.519, 339.521, 339.525, 339.532, 340.222, 340.234, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 383.130, 383.133, 537.035, 610.120, 620.010, 621.045, 621.100, 621.110, and 660.315, RSMo, and to enact in lieu thereof one hundred thirty-eight new sections relating to licensing and registration of certain professionals, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 8, House Substitute Amendment No. 1 for House Amendment No. 8, as amended, House Amendment Nos. 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1124, Page 11, Section 317.015, Line 43, by striking the “[” on said line; and

Further amend said page and section, Lines 49 through 64, by striking all of said lines and inserting in lieu thereof the following **“person’s license.”**; and

Further amend said substitute, Page 55, Section 332.052, Line 5, by striking the following from said line “the longer of”; and

Further amend said page and section, Line 7, by striking the word “five” and inserting in lieu thereof the word **“seven”**; and

Further amend said substitute, Page 58, Section 334.104, Line 44, by inserting immediately after said line the following

“5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.”; and

Further amend said page and section, Line 45, by striking the number “5” and inserting in lieu thereof the number **“6”**; and

Further amend said section, Page 59, Line 52, by striking the number “6” and inserting in lieu thereof the number **“7”**; and

Further amend said substitute, Page 62, Section 334.735, Line 38, by striking the word “supervision” and inserting in lieu thereof the word **“supervising”**; and

Further amend said section and page, Line 39, by inserting immediately before the “,” on said line the following **“assistant”**; and

Further amend said section, Page 63, Line 89, by striking the word “supervision” and inserting in lieu thereof the word **“supervising”**; and

Further amend said section, Page 64, Line 112, by inserting immediately before the word “shall” on said line the following **“assistant”**; and

Further amend said substitute, Page 77, Sections 337.500, 337.505, 337.507, 337.510, 337.520, 337.525, 337.530, 337.545, 337.550 and 337.555, by striking all of said sections; and

Further amend said substitute, Page 93, Sections 337.700, 337.703, 337.709, 337.712, 337.715, 337.718, 337.727, 337.733 and 337.736, by striking all of said sections; and

Further amend said substitute, Page 106, Sections 339.010, 339.040 and 339.100, by striking all of said sections; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 1124, Page 32, Section 319.339, Lines 29 and 30, by deleting all of said lines and inserting in lieu thereof the following:

“3. Any municipality or county may by ordinance:”; and

Further amend said bill, Page 150, Section 660.315, Line 102 by inserting after all of said line the following:

“Section 1. Notwithstanding any provision

of section 701.025 to 701.059 or of any rule or regulation promulgated thereunder to the contrary, unless continuing education units are provided in the county in which a person registered resides or offered on the internet, the person shall not be required to complete continuing education units as a prerequisite for renewal of the person's registration under sections 701.025 to 701.059 or any rule or regulation promulgated thereunder. Any instructor of the continuing education units shall have a minimum of ten years experience of actual installation of industry products.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 1124, page 33, Section 319.339, Line 76 by inserting after the number “319.339” the following:

“, unless such ordinance, order, permit, or regulation, in effect as of April 5, 2006, shall be used exclusively to regulate the use of explosives at the site of a quarry in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants. For purposes of this section, quarry shall include any place where rock, ore, stone, or similar materials are excavated for sale of off-premise use. A quarry shall not include the removal or relocation of rock, stone, or earth incidental to the construction of residential, commercial, or industrial buildings”.; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for

Senate Bill No. 1124, Page 17, Section 319.306, Line 78, by striking the following: “, or in lieu thereof, a civil penalty assessed;”; and

Further amend said Section, Page 19, Line 128, by striking “1995” and inserting in lieu thereof the following: “**2000**”; and

Further amend said section, Page 22, Line 234, by striking “Part 76” and inserting in lieu thereof the following “**Part 75**”; and

Further amend said substitute, Page 26, Section 319.318, Line 45, by striking “319.319” and inserting in lieu thereof the following: “**319.339**”; and

Further amend said substitute, Page 27, Section 319.321, Line 19, by striking “Part 76” and inserting in lieu thereof the following: “**Part 75**”; and

Further amend said substitute, Page 31, Section 319.339, Line 2, by striking “political subdivision” and inserting in lieu thereof the following “**municipality**”; and

Further amend said section, Page 32, Line 21, by striking the following: “political subdivision” and inserting in lieu thereof the following: “**municipality**”; and

Further amend said page and section, Lines 29 and 30, by striking all of said lines and inserting in lieu thereof the following: “**3. Any municipality or county by ordinance:**”; and

Further amend said section, Page 33, Line 50, by inserting immediately after the word “municipal” the following: “**or county**”; and

Further amend said page and section, Line 51, by inserting after the word “municipality” the following “**or county**”; and

Further amend said page and section, Line 54, by inserting after the word “municipality” the following: “**, county**”; and

Further amend said page and section, Line 63,

by inserting immediately after the word “municipality” the following: “, **county**”; and

Further amend said page and section, Lines 72 and 73, by striking the following: “or other political subdivisions”; and

Further amend said page and section, Line 74, by striking the following: “or other political subdivision”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 1124, Page 150, Section 660.315, Line 102, by inserting immediately after said line the following:

Section 1. Notwithstanding any other provision of law to the contrary, any qualified health care professional who is legally authorized to practice pursuant to the laws of another state may practice in this state for a period not to exceed three days in any one calendar year without examination or payment of fees if such medical services are provided to any participant, official, volunteer, or spectator of the “Susan G. Komen Breast Cancer Walk” held in a home rule city with more than four hundred thousand inhabitants located in more than one county.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 1124, Section 335.068, Page 76, Line 10 by inserting the year, “**2006**” immediately after the words, “August 28,”; and

Further amend said section, Page 76, Line 11 by inserting an open bracket “[” before the year,

“1999”; and

Further amend said line by inserting a closed bracket “]” after the year, “1999”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 1124, Page 102, Section 338.010, Line 8, by striking all of said line and inserting in lieu thereof the following: “**and administration of viral influenza vaccines by written protocol authorized by a physician for persons over the age of twelve as authorized by rules; the**”; and

Further amend said Page and Section, Line 42, by inserting immediately after the word “services” on said line the following “**and administration of viral influenza vaccines**”; and

Further amend said Section, Page 103, Line 48, by inserting immediately after the word “services” on said line the following “**and administration of viral influenza vaccines**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 8

Amend House Substitute Amendment No. 1 for House Amendment No. 8 to House Committee Substitute for Senate Bill No. 1124, Line 2, by striking the words “twenty five” and inserting in lieu thereof the words “**thirty three**”; and

Further amend said amendment, Line 6, by inserting immediately after the word “thirty” the following; “**three**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 1124, Page 62, Section 334.735, Line 36, by deleting the word “thirty” and inserting in lieu thereof the word “**twenty five**”; and

Further amend said bill, Page 64, Section 334.735, Line 114, by inserting immediately after the word “hours” the following; “**in non healthcare provider shortage areas and in healthcare provider shortage areas where the supervising physician practices at least thirty percent of clinic hours**”; and

Further amend said page and section, Line 125, by inserting immediately after the word “as” the word “**a**”; and

Further amend said page and section, Line 126, by deleting all of said line and inserting in lieu thereof the following; “**three licensed physician assistants at one time. This provision shall not apply to physician assistant**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 1124, Page 106, Section 338.220, Line 31, by inserting after all of said line the following:

“338.380. 1. As used in this section the term “committee” means the well-being committee established under subsection 3 of this section.

2. The board may refuse to issue any certificate of registration or authority, permit or license, required under this chapter for one or any combination of causes stated in subsection 2 of section 338.055, or the board may, as a condition to issuing or renewing any such certificate of registration or authority, permit or license, require a person to submit

himself or herself for identification, intervention, treatment, or rehabilitation by the well-being committee as provided in this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

3. The board may establish an impaired licensee committee, to be designated as the “Well-being Committee”, to promote the early identification, intervention, treatment and rehabilitation of licensees identified within this chapter, who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or an association for the purpose of creating, supporting and maintaining such a committee. The board may promulgate rules subject to the provisions of this section to effectuate and implement any committee formed under this section. The board may expend appropriated funds necessary to provide for operational expenses of the committee formed under this section. Any member of the committee, as well as any administrator, staff member, consultant, agent or employee of the committee, acting within the scope of his or her duties and without actual malice and, all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation or action taken by the committee or by any individual member of the committee.

4. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the committee, as well as communications to or from the committee, any findings, conclusions,

interventions, treatment, rehabilitation, or other proceedings of the committee which in any way pertain to a licensee who may be, or who actually is, impaired shall be absolutely privileged and confidential.

5. All records and proceedings of the committee which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records under chapter 610, RSMo, and shall only be subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as provided in subsection 6 of this section.

6. The committee may disclose information relative to an impaired licensee only when:

(1) It is essential to disclose the information to further the intervention, treatment, or rehabilitation needs of the impaired licensee and only to those persons or organization with a need to know;

(2) Its release is authorized in writing by the impaired licensee;

(3) The committee is required to make a report to the board;

(4) The information is subject to a court order.

7. In lieu of the pursuing discipline against a licensee for violating one or more causes stated in subsection 2 of section 338.055, the board may enter into a diversion agreement with a licensee to refer the licensee to the committee under such terms and conditions as are agreed to by the board and licensee. The board shall enter into no more than two diversion agreements with any individual licensee. If the licensee violates a term or

condition of a diversion agreement entered into under this section, the board may elect to pursue discipline against the licensee under chapter 621, RSMo, for the original conduct that resulted in the diversion agreement, or for any subsequent violation of subsection 2 of section 338.055. While the licensee participates in the committee, the time limitations of section 620.154, RSMo, shall toll under subsection 7 of section 620.154, RSMo. All records pertaining to diversion agreements are confidential and may only be released under subdivision (7) of subsection 14 of section 620.010, RSMo.

8. The committee shall report to the board the name of any licensee who fails to enter treatment within forty-eight hours following the provider's determination that the pharmacist needs treatment or any failure by a licensee to comply with the terms of a treatment contract during inpatient or outpatient treatment or aftercare or report a licensee who resumes the practice of pharmacy before the treatment provider has made a clear determination that the pharmacist is capable of practicing according to acceptable and prevailing standards.

9. The board may disclose information and records to the committee to assist the committee in the identification, intervention, treatment, and rehabilitation of any licensee who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The committee shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records as closed to the public under chapter 620, RSMo.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of

chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 1124, Page 1, In the Title, Line 4, by deleting the section number “334.104.”; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word “thirty-eight” and inserting in lieu thereof the word “thirty-seven”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the section number “334.104.”; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word “thirty-eight” and inserting in lieu thereof the word “thirty-seven”; and

Further amend said bill, Page 2, Section A, Line 17, by deleting the section number “334.104.”; and

Further amend said bill, Pages 57 to 59, Section 334.104, Lines 1 to 53, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 1124, Section 41.950, Page 4, Line

69 by inserting immediately after said Line the following:

“71.620. 1. Hereafter no person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, **veterinarian**, dentist, chiropractor, optometrist, chiropodist, physician or surgeon in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and, after December 31, 2003, no investment funds service corporation, as defined in section 143.451, RSMo, may be required to pay, or shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on its business or occupation, in excess of or in an aggregate amount exceeding twenty-five thousand dollars annually, any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his or her profession by a municipality unless that person maintains a business office within that municipality.

3. Notwithstanding any other provision of law to the contrary, after September 1, 2004, no village with less than one thousand three hundred inhabitants shall impose a business license tax in excess of fifteen thousand dollars per license.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 822**.

Emergency clause adopted.

Bill ordered enrolled.

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 3087, regarding the Saint Louis Bringing It Together Musicfest, which was adopted.

Senator Dougherty offered Senate Resolution No. 3088, regarding the Ninetieth Birthday of Ivan Cecil James, Jr., St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 3089, regarding Jacob Lee Weir, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 3090, regarding Chad Thomas Stephens, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 3091, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John W. Smith, Gordonville, which was adopted.

Senator Crowell offered Senate Resolution No. 3092, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Alfred Lambert, Scott City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 3093, regarding Chief W.H. "Bill" Halmich, Washington, which was adopted.

Senator Nodler offered Senate Resolution No. 3094, regarding the Neosho/Newton County Library, which was adopted.

Senator Shields offered Senate Resolution No. 3095, regarding Brent Traugot Savige, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 3096, regarding Casey L. Johnson, St. Joseph, which was adopted.

Senator Kennedy offered Senate Resolution No. 3097, regarding Nazareth Living Center, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 3098, regarding Thomas M. Steeno, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1023**, entitled:

An Act to repeal sections 488.5050, 650.050, 650.055, 650.056, 650.057, and 650.100, RSMo, and to enact in lieu thereof seven new sections relating to exoneration using DNA testing, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1023, Section 650.058, Page 8, Line 61 by inserting immediately after the word "**by**" the following:

"reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in"; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has removed Representative Brian Munzlinger from the Conference Committee for **HCS** for **SCS** for **SB 773**, as amended. Representative Mike Cunningham (145) will be replacing Representative Munzlinger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS No. 2** for **HCS** for **HB 1456**, as amended. Representatives: Roark, Hunter, Day, Burnett and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 696**, as amended. Representatives: Flook, Richard, Pearce, Bowman and Kratky.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **SCS** for **HCS** for **HB 1367** be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Scott, **SCS** for **HCS** for **HB 1367** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Coleman Vogel—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 1320, introduced by Representative Lipke, et al, entitled:

An Act to amend chapter 43, RSMo, by adding thereto one new section relating to criminal background checks of gubernatorial appointees subject to senate confirmation.

Was called from the Informal Calendar and taken up by Senator Gibbons.

Senator Gibbons offered **SS** for **HB 1320**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 1320

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

Senator Gibbons moved that **SS** for **HB 1320** be adopted.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1320, Page 1, Section 26.142, Line 7, by striking the word “direction” and inserting in lieu thereof the following: “**directive**”.

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Gibbons, **SA 1** was withdrawn.

At the request of Senator Gibbons, the **SS** was withdrawn.

Senator Gibbons offered **SS No. 2** for **HB 1320**, entitled:

SENATE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 1320

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

Senator Gibbons moved that **SS No. 2** for **HB 1320** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS No. 2** for **HB 1320** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer moved that the **CCR** on **HCS** for **SCS** for **SBs 1001, 896** and **761** be taken up, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Griesheimer moved that the **CCR** on **HCS** for **SCS** for **SBs 1001, 896** and **761**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Gross	Loudon	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SCS** for **SBs 1001, 896** and **761**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILLS NOS. 1001, 896, and 761

An Act to repeal sections 302.130, 302.171, 302.178, and 302.720, RSMo, and to enact in lieu thereof five new sections relating to the licensure of certain motor vehicle drivers, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Koster
Mayer	Nodler	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Gross	Loudon	Purgason—3
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Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Mayer	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer

Vogel Wheeler Wilson—31

NAYS—Senators

Loudon Purgason—2

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from KMIZ-TV had been given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SS** for **SCS** for **SBs 872, 754** and **669**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 872, 754** and **669**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 872, 754 and 669

An Act to repeal sections 210.104, 210.106, 210.107, 302.302, 304.022, 304.070, 304.351, 304.580, and 307.178, RSMo, and to enact in lieu thereof ten new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, children, and other motorists, with penalty provisions and an effective date for a certain section.

Was taken up.

Senator Gibbons moved that **HCS** for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, be adopted.

Senator Bartle assumed the Chair.

Senator Callahan offered a substitute motion that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, and requested a roll call vote be taken. He was joined in his request by Senators Bray, Koster, Ridgeway and Wheeler.

The substitute motion made by Senator Callahan failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Green
Purgason	Ridgeway—6		

NAYS—Senators

Alter	Bartle	Bray	Cauthorn
Champion	Clemens	Crowell	Days
Dougherty	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—28

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HCS for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster

Loudon	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Green	Purgason	Ridgeway—3
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Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, **HCS** for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 904**, entitled:

An Act to repeal sections 8.010, 8.178, 8.420, 100.265, and 701.450, RSMo, and to enact in lieu thereof seventeen new sections relating to designing, building, and managing state buildings, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 4 and 5.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 904, Page 8, Section 107.170, Line 6, by inserting:

“6. Any assets or funds from the proceeds, fees or revenues, however such assets or funds were acquired, of the higher education loan authority established pursuant to section 173.360, RSMo, that are transferred to or used by the state or any department, division, agency or board of the state, shall not be used in connection with any activity prohibited by section 196.1127, RSMo.”; and

Further amend the title, enacting clause and intersection references of said bill accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bill No. 904, Page 2, Section 8.010, Line 1, by inserting immediately before all of said section the following:

8.007. 1. The commission shall:

(1) Exercise general supervision of the administration of sections 8.001 to 8.007;

(2) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;

(3) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;

(4) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of natural resources, the division of tourism within the department of economic development and the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

(5) Be authorized to cooperate or collaborate with other state agencies and not-for-profit organizations to publish books and manuals concerning the history of the capitol, its improvement or restoration;

(6) Before each September first, recommend options to the governor on budget allocation for improvements or restoration of the capitol premises;

(7) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to improvement and restoration of the state capitol it may deem advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007; [and]

(8) Hold hearings, issue notices of hearings and take testimony as the commission deems necessary; **and**

(9) Assume the responsibilities of the capitol review commission and develop written policy that establishes guidelines for selection and placement of plaques, monuments, statues, pictures, and other articles in or on all buildings and grounds at the seat of government and make a determination after a review of all requests from entreating parties as to the installation of such articles.

2. The “Second Capitol Commission Fund” is hereby created in the state treasury. Any moneys received from sources other than appropriation by the general assembly, including from private sources, gifts, donations and grants, shall be credited to the second capitol commission fund and shall be appropriated by the general assembly.

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the second capitol commission fund shall not be transferred and placed to the credit of the general revenue fund.

4. The commission is authorized to accept all gifts, bequests and donations from any source whatsoever. The commission may also apply for and receive grants consistent with the purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used or expended upon appropriation in accordance with their terms or stipulations, and the gifts, bequests, donations or grants may be used or expended for the preservation, restoration and improved accessibility and for promoting the historical significance of the capitol.

5. The commission may copyright or obtain a trademark for any photograph, written work, art object or any product created of the capital or capital grounds. The commission may grant access, or use, of any such works to other organizations or individuals for a fee, or at its sole discretion, or waive all fees. All funds obtained through licensing fees shall be credited

to the capital commission fund, in a manner similar to funds the commission receives as gifts, donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits, decorations or other beautifications or adornments to the capital or its grounds.; and

Further amend said bill, page 3, section 8.420, line 1, by inserting immediately before all of said section the following:

8.250. 1. “Project” for the purposes of this [chapter] **section** means the labor or material necessary for the construction, renovation, or repair of improvements to real property so that the work, when complete, shall be ready for service for its intended purpose and shall require no other work to be a completed system or component.

2. All contracts for projects[, the cost of which exceeds twenty-five] **costing more than one hundred thousand dollars[,] that are** entered into by any officer or agency of this state or of any city containing five hundred thousand inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders after notice and publication of an advertisement for five days in a daily newspaper in the county where the work is located, or at least twice over a period of ten days or more in a newspaper in the county where the work is located, and in [two] **one** daily [newspapers] **newspaper** in the state which [do] **does** not have less than fifty thousand daily circulation, and by such other means as are determined to be most likely to reach potential bidders. **For all contracts for projects between ten thousand and one hundred thousand dollars, a minimum of three contractors will be solicited, with award being made to the lowest, responsive, responsible bidder or a previously bid standing contract may be utilized.**

3. The number of such public bids shall not be restricted or curtailed, but shall be open to all persons complying with the terms upon which the

bids are requested or solicited unless debarred for cause. No contract shall be awarded when the amount appropriated for same is not sufficient to complete the work ready for service.

4. Dividing a project into component labor or material allocations for the purpose of avoiding bidding or advertising provisions required by this section is specifically prohibited.

Further amend said bill, page 3, section 8.1000, line 1, by deleting all of subsection 1 and renumbering the rest of said section accordingly.

Further amend said bill, page 23, section 701.450, line 1, by inserting immediately before all of said section the following:

107.170. 1. As used in this section, the following terms mean:

(1) "Contractor", a person or business entity who provides construction services under contract to a public entity. Contractor specifically does not include professional engineers, architects or land surveyors licensed pursuant to chapter 327, RSMo, those who provide environmental assessment services or those who design, create or otherwise provide works of art under a city's formally established program for the acquisition and installation of works of art and other aesthetic adornments to public buildings and property;

(2) "Public entity", any official, board, commission or agency of this state or any county, city, town, township, school, road district or other political subdivision of this state;

(3) "Public works", the erection, construction, alteration, repair or improvement of any building, road, street, public utility or other public facility owned by the public entity.

2. (1) It is hereby made the duty of all public entities in this state, in making contracts for public works[, the cost of which is] estimated to exceed twenty-five thousand dollars, to be performed for the public entity, to require every contractor for

such work to furnish to the public entity, a bond with good and sufficient sureties, in an amount fixed by the public entity, and such bond, among other conditions, shall be conditioned for the payment of any and all materials, incorporated, consumed or used in connection with the construction of such work, and all insurance premiums, both for compensation, and for all other kinds of insurance, said work, and for all labor performed in such work whether by subcontractor or otherwise.

(2) The office of administration of the state of Missouri may waive the requirement for bonding established in subdivision (1) of this subsection for contracts that do not exceed one hundred thousand dollars.

3. All bonds executed and furnished under the provisions of this section shall be deemed to contain the requirements and conditions as herein set out, regardless of whether the same be set forth in said bond, or of any terms or provisions of said bond to the contrary notwithstanding.

4. Nothing in this section shall be construed to require a member of the school board of any public school district of this state to independently confirm the existence or solvency of any bonding company if a contractor represents to the member that the bonding company is solvent and that the representations made in the purported bond are true and correct. This subsection shall not relieve from any liability any school board member who has any actual knowledge of the insolvency of any bonding company, or any school board member who does not act in good faith in complying with the provisions of subsection 2 of this section.

5. A public entity may defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, against any claim or demand, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of a duty under this section.

The provisions of this subsection do not apply in case of malfeasance in office or willful or wanton neglect of duty.

Further amend said bill, page 23, section 701.450, line 1, by inserting immediately before all of said section the following:

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely

affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids [and related documents], until the bids are opened; **all related documents, until the intent to award notice has been mailed;** and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2008;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; and

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of

electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 1, Line 9, by inserting after “**March 1, 2006,**” on said line, the following:

“or any similar resolution adopted by the authority”

Further amend said amendment, page 1, line 18 by inserting after the word “**issued**”, on said line the following:

“The analysis required by this section shall be a public record and shall be transmitted to the general assembly upon receipt by the authority.”.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 1, Line 3 of the Title, by inserting after the word “provisions” the following: “and an emergency clause for a certain section”; and

Further amend said bill, Page 14, Section 1, Line 6 by inserting after all of said line the following:

“Section 2. Prior to any sale, transfer or liquidation of any asset, or agreement to sell, transfer, or liquidate any asset pursuant to a resolution adopted by the Missouri Higher Education Loan Authority on January 31, 2006, and readopted by the authority on March 10, 2006, the authority shall hire an independent firm to conduct an analysis of the financial and legal ramifications of the proposed sale. The financial analysis of the proposed sale shall include an actuarial analysis along with individualized findings as to the effect the proposed sale will have on the authority itself and the effect such sale will have on loan interest rates for current and future student borrowers. The legal analysis shall include findings as to the effect of the proposed sale on the status and securitization of taxable and tax-exempt bonds issued by the authority, the impact of the proposed sale on the holders of such taxable and tax-exempt bonds, and the legality of the use of funds generated from the sale of tax-exempt bonds for purposes other than those for which the bonds were issued.” ; and

Further amend said bill, Page 14, Section 2, by inserting after all of said section the following:

“Section B. Because of the need to provide for timely review, the enactment of section 2 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 2 shall be in full force and effect upon its passage and approval.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for

Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Pages 13-14, Section 701.450.4(1), Lines 1-6, by deleting all of said lines.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 14, Section 1, Line 6 by inserting after all of said line the following:

“Section 1. 1. Every contractor or other employer working on a public works project in this state shall require each newly hired independent contractor to fill out a federal W-9 form. Copies of the forms shall be forwarded to the department of revenue within thirty days from the hiring of each independent contractor.

2. Any contractor or other employer working on a public works project in this state shall not, in an attempt to avoid tax liability or reporting requirements for any employee, avoid payments to the unemployment compensation fund under chapter 288, RSMo, or avoid payments to the second injury fund under chapter 287, RSMo, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.

3. Any interested party, including a bidder, contractor, subcontractor or any person employed on a public works project, or the department of revenue may, upon reasonable suspicion that any contractor or subcontractor is currently or has misclassified employees as independent contractors, file a complaint with the labor and industrial relations commission alleging a violation of this section.

4. Upon receiving such a complaint, the labor and industrial relations commission shall investigate each claim for a determination of a violation of this section. In determining whether

there was a violation of this section, the commission shall compel each contractor or subcontractor to provide records documenting each independent contractor's job title, a description of the work performed on the project and the number of hours the individual in question has worked on the project. Within sixty days of receiving a complaint under this section, the commission shall conduct a hearing to determine a violation of this section. At the hearing, there shall be a rebuttable presumption that any independent contractor who has logged two thousand eighty hours on the project has been misclassified as an independent contractor. This presumption may be rebutted if the employer establishes by a preponderance of the evidence that the independent contractor in question was properly classified. The commission shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents. Subpoenas may be signed by any member of the commission. In case of failure to obey a subpoena, and upon application by the commission, any judge of a court of competent jurisdiction of the state in which the commission is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt.

5. Either party may appeal the commission's finding to the circuit court of Cole County.

6. Any such contractor or other employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to twice the amount of tax otherwise due on the employee's

taxable wages, payments otherwise due to the unemployment compensation fund under chapter 288, RSMo, and payments otherwise due to the second injury fund under chapter 287, RSMo, to be paid to the department of labor.

7. No such contractor or other employer shall terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has communicated the intent to file an action alleging a violation of this section.

8. The director of revenue is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, taking all actions necessary to collect the fines and taxes due under this section. The director of revenue shall direct to the unemployment compensation fund and to the second injury fund amounts that are collected for payments due to those funds.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conferee change to **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended: Senator Green to replace Senator Coleman.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 904**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mayer moved that **SB 1002**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 1002, entitled:

An Act to amend chapter 242, RSMo, by adding thereto one new section relating to drainage districts.

Was taken up.

Senator Mayer moved that **HCS for SB 1002** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Graham—1

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **HCS for SB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Koster assumed the Chair.

Senator Kennedy moved that **SCS for SB 1086**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 1086 was again taken up.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting on the adoption of the **HCS**, 3rd reading of the bill and the emergency clause.

Senator Kennedy moved that **HCS for SCS for SB 1086** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

On motion of Senator Kennedy, **HCS** for **SCS** for **SB 1086** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SB 818**, with **HA 2**, as amended, and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 2, as amended, was taken up.

Senator Scott moved that the above amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Bray	Graham—2
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NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—28

Absent—Senators

Green Kennedy Mayer Nodler—4

Absent with leave—Senators—None

Vacancies—None

HA 3 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **SB 818**, as amended by **HA 3**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott moved that the Senate request the House to recede from its position on **HA 2**, as amended, and take up and pass **SB 818**, as amended by **HA 3**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS** for **HB 1900** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 1900**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for

HB 1900, as amended: Senators Shields, Gibbons, Scott, Green and Days.

PRIVILEGED MOTIONS

Senator Scott moved that **SS** for **SCS** for **SB 892**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 892**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 892

An Act to repeal sections 143.471, 301.215, 306.435, 361.711, 361.715, 362.275, 362.445, 408.555, 700.045, 700.111, 700.115, 700.355, 700.360, 700.385, and 700.500, RSMo, and to enact in lieu thereof eighteen new sections relating to financial institutions, with a penalty provision.

Was taken up.

Senator Scott moved that **HCS** for **SS** for **SCS** for **SB 892** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Cauthorn Wheeler—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **HCS** for **SS** for **SCS** for **SB 892**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Cauthorn—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klindt moved that **SCS** for **SB 1008**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Klindt moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Klindt, **SCS for SB 1008**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Clemens, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SCS for SB 756** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 756

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 756 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 756;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 756;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 756, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Clemens

/s/ John Loudon

/s/ Delbert Scott

/s/ Maida J. Coleman

/s/ Rita Heard Days

FOR THE HOUSE:

/s/ Robert Behnen

/s/ Jay Wasson

/s/ Don Wells

/s/ Sam Page

/s/ Curt Dougherty

Senator Clemens moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Clemens, **CCS** for **HCS** for **SCS** for **SB 756**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 756

An Act to repeal sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, RSMo, and to enact in lieu thereof twenty-two new sections relating to licensing and registration of certain professionals.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler

Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Clemens, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 1017**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1017

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 1017, with House Amendment 1, House Amendment 1 to House Amendment 2, and House Amendment 2, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on

House Committee Substitute for Senate Bill No. 1017, as amended;

2. That the Senate recede from its position on Senate Bill No. 1017;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 1017, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Dan Clemens	/s/ Tom Loehner
/s/ Robert Mayer	/s/ Peter Myers
/s/ Bill Stouffer	/s/ Darrell Pollock
/s/ Timothy P. Green	/s/ Charles A. Dake
/s/ Charles Wheeler	/s/ Belinda Harris

Senator Clemens moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

Senator Gross assumed the Chair.

On motion of Senator Clemens, **CCS** for **HCS** for **SB 1017**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 1017

An Act to repeal sections 30.750, 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof six new sections relating to agricultural programs.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Shields moved that **SB 1124**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1124**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1124

An Act to repeal sections 41.950, 317.001, 317.006, 317.011, 317.013, 317.014, 317.015, 317.018, 324.010, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.655, 334.660, 334.735, 335.066, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.615, 337.618, 337.668, 337.700, 337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.010, 338.035, 338.095, 338.220, 339.010, 339.040, 339.100, 339.507, 339.509, 339.513, 339.519, 339.521, 339.525, 339.532, 340.222, 340.234, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 383.130, 383.133, 537.035, 610.120, 620.010, 621.045, 621.100, 621.110, and 660.315, RSMo, and to enact in lieu thereof one hundred thirty-eight new sections relating to licensing and registration of certain professionals, with penalty provisions.

Was taken up.

Senator Shields moved that **HCS** for **SB 1124**, as amended, be adopted.

Senator Callahan raised the point of order that **HCS** for **SB 1124**, as amended, is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Shields, the motion to adopt **HCS** for **SB 1124**, as amended, was withdrawn, which returned the bill to the Calendar.

RESOLUTIONS

Senator Days offered Senate Resolution No. 3099, regarding the Saint Louis County Department of Health, Clayton, which was adopted.

Senator Days offered Senate Resolution No. 3100, regarding Patricia Russell, St. Louis, which was adopted.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTY-FIRST DAY—THURSDAY, MAY 11, 2006

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1302-Cooper (155), et al (Ridgeway)
2. HB 994-Dusenberger, et al (Cauthorn)
3. HCS for HB 1349, with SCS (Clemens)

4. HB 1619-Sutherland, et al, with SCS (Gibbons)
5. HCS for HB 1092, with SCS (Ridgeway)

- | | |
|---|--|
| 6. HCS for HB 1059 (Nodler) | 13. HCS for HB 1581 (Champion) |
| 7. HB 1035-Young (49), et al (Callahan) | (In Fiscal Oversight) |
| 8. HCS for HB 1837, with SCS (Loudon) | 14. HCS for HB 1078, with SCS (Loudon) |
| 9. HCS for HB 1137, with SCS (Klindt) | (In Fiscal Oversight) |
| 10. HCS for HB 1397 (Goodman) | 15. HJR 55-Lipke (Crowell) |
| 11. HCS for HB 1075, with SCS (Nodler) | 16. HB 1884-Behnen |
| 12. HB 1864-Nolte, et al (Alter) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 566-Dougherty, et al, with SCS & SS
for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6
& SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3
(pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1
(pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with
SCS & SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| HCS for HB 978, with SCS (pending)
(Goodman) | HCS for HBs 1145, 1359 & 1121 (Scott) |
| HCS for HBs 1030, 1033, 1146, 1225 &
1326, with SCS, SS for SCS & SA 16
(pending) (Bartle) | HCS for HB 1149, with SCS#2, SS for
SCS#2 & SA 5 (pending) (Klindt) |
| HB 1105-Wilson (119), et al (Scott) | HCS for HB 1275, with SS, SA 4 & points
of order (pending) (Goodman) |
| HB 1118-Dempsey, et al, with SCS#2
(Shields) | HCS for HB 1317 (Goodman) |
| | HB 1411-Smith (150), et al, with SCS
(Scott) |

HB 1446-Whorton, et al (Barnitz)
HCS for HB 1485, with SCS (Ridgeway)
HB 1504-Yates, with SCS (Loudon)
HB 1521-Richard, et al (Griesheimer)
HCS for HB 1532, with SCS (Griesheimer)
HCS for HB 1534 (Bartle)
HB 1623-St. Onge, et al, with SS, SA 1 &
points of order (pending) (Stouffer)

HCS for HB 1632, with SCS (Engler)
HB 1728-Rector, et al, with SCS (Klindt)
HCS for HB 1742, with SCS (Shields)
HCS for HB 1767, with SCS (Bartle)
HB 1905-Jetton, et al (Champion)
HB 1936-Tilley, with SCS (pending)
(Stouffer)
HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)
HCS for HB 1244 (Engler)
HCS for HB 1551 (Engler)
HCS for HB 1511, with SCS (Shields)
HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)
HCS for HB 1333 (Mayer)
HCS for HB 1366 (Engler)
HB 1424-Franz (Purgason)
HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
HCS for HB 1037 (Klindt)
HB 1144-May, et al (Clemens)
HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
HB 1833-Wood, et al (Goodman)
HB 1988-Wagner, et al (Barnitz)
HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 1023-Gibbons, et al, with HCS, as
amended

SB 1124-Shields, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS, as amended
(Senate adopted CCR and passed CCS)
SS for SB 696-Nodler, with HCS, as amended
SCS for SB 756-Clemens, with HCS
(Senate adopted CCR and passed CCS)
SCS for SB 773-Cauthorn and Barnitz, with HCS, as amended
SS for SCS for SB 832-Griesheimer, with HCS, as amended
SCS for SB 932-Scott, with HCS
(Senate adopted CCR#2 and passed CCS#2)
SCS for SBs 1001, 896 & 761-Griesheimer, with HCS, as amended
(Senate adopted CCR and passed CCS)
SS#2 for SCS for SBs 1014 & 730-Scott, with HCS, as amended
(Further conference granted)

SB 1017-Clemens, with HCS, as amended
(Senate adopted CCR and passed CCS)
HCS for HB 1022, with SCS, as amended
(Gross)
HCS for HBs 1270 & 1027, with SCS, as amended (Cauthorn)
HCS for HB 1306, with SS for SCS, as amended (Crowell)
HCS for HB 1456, with SS#2 for SCS, as amended (Ridgeway)
HCS for HBs 1698, 1236, 995, 1362 & 1290, with SS for SCS, as amended (Bartle)
HCS for HB 1900, with SS, as amended
(Shields)

Requests to Recede or Grant Conference

SB 766-Vogel, with HA 1
(Senate requests House recede or grant conference)
SB 818-Scott, with HA 2, as amended
(Senate requests House recede and take up and pass the bill)
SS for SCS for SB 894-Nodler, with HCS, as amended
(Senate requests House recede or grant conference)

SS for SCS for SB 904-Griesheimer, with HCS, as amended
(Senate requests House recede or grant conference)
HB 1865-Bearden, et al, with SCS, as amended (Shields)
(Senate requests House recede and pass the bill or grant further conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

HCR 25-Bowman, et al (Days)

HCR 17-Quinn, et al (Stouffer)

HCR 15-Jetton, et al (Champion)

HCR 9-Ruestman, et al (Ridgeway)

HCR 4-Bruns (Rupp)

HCR 37-Loehner, et al (Barnitz)

HCR 10-Zweifel, et al (Loudon)

SR 2741-Wilson

HCR 18-Kuessner, et al

HCR 41-Sutherland, with SCS (Mayer)

MISCELLANEOUS

REMONSTRANCE 1-Gross

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Journal

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY—THURSDAY, MAY 11, 2006

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“So then you are no longer strangers and aliens, but you are citizens with the saints and also members of the household of God.” (Ephesians 2:19)

Merciful Father, with the pressures of time running against us and much to be accomplished, some begin to feel You are far away; but Your word teaches us that we are members of Your family and have access to You by faith into this grace You provide for us everyday. Help us be free to cast our burdens on You and trust that You will point us in the right direction and sustain us and lift us up to go on and finish the course laid out for us in a sure and certain hope that You are with us every step of the way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Bartle assumed the Chair.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the Senate had been given permission to take pictures from the Senate Gallery today.

The following Senators were present during the

day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 3101, regarding Ross Branson, which was adopted.

Senator Gross offered Senate Resolution No. 3102, regarding Maggie Wolcott, which was adopted.

Senator Barnitz offered Senate Resolution No. 3103, regarding the One Hundredth Birthday of Mildred Leaver, Rolla, which was adopted.

Senator Scott offered Senate Resolution No. 3104, regarding Cole Camp High School, which was adopted.

Senator Barnitz offered Senate Resolution No. 3105, regarding Jonathan W. Bertz, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1302 was placed on the Informal Calendar.

At the request of Senator Cauthorn, **HB 994** was placed on the Informal Calendar.

HCS for **HB 1349**, with **SCS**, was placed on the Informal Calendar.

HB 1619, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1092**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1059** was placed on the Informal Calendar.

At the request of Senator Callahan, **HB 1035** was placed on the Informal Calendar.

HCS for **HB 1837**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1137**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1397** was placed on the Informal Calendar.

HCS for **HB 1075**, with **SCS**, was placed on the Informal Calendar.

HB 1864, introduced by Representative Nolte, et al, entitled:

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof six new sections relating to prohibiting the admission of aliens unlawfully present in the United States at public institutions of higher education.

Was taken up by Senator Alter.

Senator Alter offered **SS** for **HB 1864**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 1864

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof eight new sections relating to prohibiting the admission of aliens unlawfully present in the United States.

Senator Alter moved that **SS** for **HB 1864** be adopted.

At the request of Senator Alter, **HB 1864**, with **SS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 805**, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 67.1451, 67.1545, 67.2500, 67.2510, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.730, 144.030, 144.070, 144.440, and 165.071, RSMo, and to enact in lieu thereof thirty-four new sections relating to taxation.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 13, House Substitute Amendment No. 1 for House Amendment No. 13, as amended, House Amendment Nos. 14, 15, 16, 17, 18, 19, 20, 21 and 23.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 805, Section 67.1545, Page 5, Line 25 by inserting an open bracket “[” before, “32.097” and ;

Further amend said line by inserting a closed bracket “]” immediately after “32.097”; and

Further amend said line by inserting immediately after the word, “section” the following, “**32.087**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 805, Section 67.1451, Page 4, Line 74 by inserting immediately after said Line the following:

“67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such

managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo. Those exempt pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk cafe tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the

recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the

public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 805, Page 1, Section A, Line 8, by inserting after all of said line the following:

“52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least [fifteen] **thirty** days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both. Collectors shall also mail tax receipts for all the taxes received by mail.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Line 14 by inserting after all of said line the following:

“94.950. 1. As used in this section, “museum” means museums operating or to be built in the city and that are registered with the United States Internal Revenue Service as a 501(c)(3) corporation, or an organization that is registered with the United States Internal Revenue Service as a 501(c)(3) corporation and that develops, promotes, or operates historical locations or preservation sites.

2. The governing body of any home rule city with more than forty-five thousand five hundred but fewer than forty-five thousand nine hundred inhabitants and partially located in any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

3. The ballot of submission for the tax authorized in this section shall be in

substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism?

☐ YES ☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the “Local Option Museum Sales Tax Trust Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the trust fund

which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the trust fund during the preceding month to the city that levied the sales tax.

5. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

6. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of

the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

7. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one

year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 805, Section 144.030, Page 23, Line 72 by inserting an open bracket “[” before the word, “solely”; and

Further amend said line by inserting a closed bracket “]” immediately after the word, “solely”; and

Further amend said section, Page 23, Line 73 by inserting an open bracket “[” before the words, “in interstate commerce”; and

Further amend said line by inserting a closed bracket “]” immediately after the words, “in interstate commerce”; and

Further amend said bill, Page 29, Section 144.054, Line 20 by inserting after said line the following:

“144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for:

(1) A county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

(2) An organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or

(3) Any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or

(4) Any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; or

(5) After June 30, 2007, the department of transportation or the state highways and transportation commission, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity. **One half of the savings realized, by the department of transportation or the state highways and transportation commission, from being a tax-exempt entity shall be applied to the**

unfunded liability of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System and can not be used to supplant the actuarially required contribution payment.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

(1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;

(2) The project location, description, and unique identification number;

(3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;

(4) The estimated project completion date; and

(5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall

execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such

personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 805, Page 2, Section 55.190, Line 13, by inserting after all of said line the following:

“67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the

governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax to be used solely to fund senior services provided by the county and half of the revenue from the tax to be used solely to fund youth programs provided by the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county which imposed the tax may adopt one of the two following provisions for the collection and administration of the tax:

(1) The county may adopt rules for the

internal collection of such tax by the county officers usually responsible for collection and administration of county taxes; or

(2) The county may enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. In the event the county enters into an agreement with the director of revenue for the collection of the tax, on or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that

authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of

the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting

thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 805, Page 7, Section 135.010, Line 1 by inserting before said line the following:

“92.500. 1. The governing body of any city not within a county may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for compensation, pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city, including the hiring of police officers and prosecuting attorneys?

☐ YES ☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be

by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption

certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal,

then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close

the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 805, Page 1, Section A, Line 8, by inserting at the end of said line the following:

“50.327. [Notwithstanding any other provisions of law to the contrary,] **1.** The salary schedules contained in section 49.082, RSMo, sections 50.334 and 50.343, 51.281, RSMo, 51.282, RSMo, 52.269, RSMo, 53.082, RSMo, 53.083, RSMo, 54.261, RSMo, 54.320, RSMo, 55.091, RSMo, 56.265, RSMo, 57.317, RSMo, [and] 58.095, RSMo, **and 473.742, RSMo,** shall be set as a base schedule for those county officials, unless the current salary of such officials, as of August 28, 2005, is **higher or** lower than the compensation provided under the salary schedules. Beginning August 28, 2005, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.”

If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes and all officers and offices shall receive the same percentage decrease.

2. In no event shall the base salary or compensation of a county collector in any

county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants set on or after August 28, 2005, be reduced below the salary or compensation being paid on August 28, 2005. All actions or votes taken under the authority of section 50.333 between August 28, 2005, and December 31, 2005, shall be subject to this subsection and any such action or vote not in compliance with this subsection shall be void;”

and further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 805, Section 144.054, Page 29, Line 14, by deleting the word “**meat**” from said line and inserting in lieu thereof the following:

“animal slaughtering defined under the North American Industry Classification System (NAICS) code of 311611”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 805, Page 9, Section 135.610, Line 54, by inserting after all of said line the following:

“137.055. 1. After the assessor's book of each county, except in the city of St. Louis and any county with a charter form of government and with more than one million inhabitants, shall be corrected and adjusted according to law, but not later than September twentieth, of each year, the county governing body shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and the same to be entered in the proper columns in the tax book. In any county with a charter form of government and with more than one million inhabitants, the

rate of taxes shall be fixed under this subsection no later than October twentieth of each year.

2. Prior to fixing the rate of taxes, as provided in this section, the county governing body shall hold a public hearing on the proposed rate of taxes. A notice stating the time and place for the hearing shall be published in at least one newspaper qualified under the laws of Missouri of general circulation in the county at least seven days prior to the date of the hearing. The notice shall include the aggregate assessed valuation by category of real, total personal and other tangible property in the county as entered in the tax book for the fiscal year for which the tax is to be levied, the aggregate assessed valuation by category of real, total personal and other tangible property in the county for the preceding taxable year, the required sums to be raised from the property tax for each purpose for which the county levies taxes as approved in the budget adopted under chapter 50, RSMo, and the proposed rate of taxes which will produce substantially the same revenues as required by the budget. Failure of any taxpayer to appear at said hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this subsection absolves county governing bodies of responsibilities under section 137.073 nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.”; and

Further amend said bill, Page 9, Section 135.610, Line 54, by inserting after all of said line the following:

“137.079. **1.** Prior to setting its rate or rates as required by section 137.073, each taxing authority shall exclude from its total assessed valuation seventy-two percent of the total amount of assessed value of business personal property that is the subject of an appeal at the state tax commission or in a court of competent jurisdiction in this state. This exclusion shall only apply to the portion of the assessed value of business personal property that is disputed in the appeal, and shall not exclude

any portion of the same property that is not disputed. If the taxing authority uses a multirate approach as provided in section 137.073, this exclusion shall be made from the personal property class. The state tax commission shall provide each taxing authority with the total assessed value of business personal property within the jurisdiction of such taxing authority for which an appeal is pending no later than August twentieth of each year, **except as provided in subsection 2 of this section.** Whenever any appeal is resolved, whether by final adjudication or settlement, and the result of the appeal causes money to be paid to the taxing authority, the taxing authority shall not be required to make an additional adjustment to its rate or rates due to such payment once the deadline for setting its rates, as provided by this chapter, has passed in a taxable year, but shall adjust its rate or rates due to such payment in the next rate setting cycle to offset the payment in the next taxable year. For the purposes of this section, the term “business personal property”, means tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property subject to the tables provided in section 137.078, the property of rural electric cooperatives under chapter 394, RSMo, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030.

2. In any county with a charter form of government and with more than one million inhabitants, the state tax commission shall provide each taxing authority with the total assessed value of business personal property within the jurisdiction of such taxing authority for which an appeal is pending no later than September first of each year.”; and

Further amend said bill, Page 33, Section 144.440, Line 18, by inserting after all of said line the following:

“164.011. 1. The school board of each district annually shall prepare an estimate of the amount of money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011, RSMo. Prior to setting tax rates for the teachers' and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 4 of section 165.011, RSMo. Furthermore the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers' and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021, RSMo.

2. Except as provided in subsection 3 of this section, the school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

3. The school board of each district located in any county with a charter form of government and with more than one million inhabitants shall forward the estimate to the county clerk on or before October first.

164.011. 1. The school board of each district annually shall prepare an estimate of the amount of

money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011, RSMo. Except as provided in subsection 3 of this section, for the 1996-97 school year and thereafter, prior to setting tax rates for the teachers' and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 7 of section 165.011, RSMo, for expenditures authorized by section 177.088, RSMo, and after the following transfers if needed: in the 1996-97 school year, one-twelfth of the maximum transfer allowed by section 165.011, RSMo; in the 1997-98 school year, one-sixth of the maximum transfer allowed by section 165.011, RSMo; in the 1998-99 school year, one-half of the maximum transfer allowed by section 165.011, RSMo; and in the 1999-2000 school year and thereafter, one hundred percent of the transfers allowed by section 165.011, RSMo. Furthermore, except that the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers' and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021, RSMo, or the 1993 tax rate as used for state aid purposes in section 163.031, RSMo, plus that portion of the full amount of any voter-approved increase in the tax rate ceiling as defined in section 137.073, RSMo, approved after the first day of January, 1994, and before the thirtieth day of March, 1994, as levied in the current year, in any school district

located in a county of the fourth classification that had an existing lease purchase arrangement for capital project purposes at the time of the election.

2. **Except as provided in subsection 4 of this section**, the school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

3. (1) For the 1997-98 school year and thereafter, prior to setting tax rates for the teachers' and incidental funds, the school board of each school district meeting the criteria specified in subdivision (2) of this subsection annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 7 of section 165.011, RSMo, for expenditures authorized by section 177.088, RSMo, and after one hundred percent of the transfers allowed by section 165.011, RSMo.

(2) Subdivision (1) of this subsection shall apply to each district which satisfies all of the following criteria:

(a) The district has a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991-92 school year; and

(b) The district passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, or approved an increase to the district's tax rate ceiling on or after June 1, 1994;

(c) The district is in compliance with or has paid all penalties required pursuant to section 165.016, RSMo, for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) The district approves, prior to July 1, 1998, a proposal to issue general obligation bonds which will cause the district's bonded indebtedness to be

no less than eighty-five percent of the maximum bonded indebtedness of the district.

4. The school board of each district located in any county with a charter form of government and with more than one million inhabitants shall forward the estimate to the county clerk on or before October first.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 805, Section 52.361, Page1, Line 1, by inserting before said section the following:

“21.810. 1. There is established a permanent joint committee of the general assembly to be known as the “Joint Committee on Tax Policy” which shall be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house of representatives, appointed by the speaker of the house of representatives. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chair and one of the members to be the vice chair. The speaker of the house of representatives and the president pro tem of the senate shall appoint the respective majority members. The minority leader of the house and the minority leader of the senate shall appoint the respective minority members. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house. The committee is authorized to meet and act year round and to employ the necessary personnel within the limits of appropriations. The staff of the committee on legislative research, house research, and senate research shall provide necessary clerical, research, fiscal, and legal services to the

committee, as the committee may request.

2. It shall be the duty of the committee:

(1) To make a continuing study and analysis of the current and proposed tax policy of this state as it relates to:

- (a) Fairness and equity;
- (b) True economic impact;
- (c) Burden on individuals and businesses;
- (d) Effectiveness of tax expenditures;
- (e) Impact on political subdivisions of this state;

(f) Agreements and contracts with the federal government, other states and territories, political subdivisions, and private entities relating to the collection and administration of state and local taxes and fees;

(g) Compliance with the state and United States Constitution and federal and international law; and

(h) The effects of interstate commerce;

(2) To make a continuing study and review of the department of revenue, the department of economic development, the state tax commission, and any other state agency, commission, or state executive office responsible for the administration of tax policies;

(3) To study the effects of the coupling or decoupling with the federal income tax code as it relates to the state income tax;

(4) To make recommendations, as and when the committee deems fit, to the general assembly for legislative action or to report findings and to the departments, commissions, and offices for administrative or procedural changes;

(5) To study the effects of a sales tax holiday; [and]

(6) To examine and assess the public benefit of any tax credit program that is the subject of an

audit by the state auditor pursuant to section 620.1300, RSMo, and provide a report to the general assembly and the governor with the committee's findings and recommendations, if any, regarding such tax credit program within six months of receiving the audit report;

(7) To examine ratio studies of assessed valuation performed by the state tax commission under section 138.380, RSMo, and recommend to the general assembly any legislative action the committee deems necessary to achieve accurate assessed values for real property.

3. All state departments, commissions, and offices responsible for the administration of tax policies shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested, except individually identifiable information regarding a specific taxpayer. The committee may also consult with public and private universities and academies, public and private organizations, and private citizens in the performance of its duties. The committee may contract with public and private entities, within the limits of appropriation, for analysis and study of current or proposed changes to state and local tax policy. The committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.”; and

Further amend said bill, Section 55.190, Page 2, Line 13, by inserting after said section the following:

“67.110. 1. Each political subdivision in the state, except counties, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing

body the following information for each tax rate to be levied: The assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by September first, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens may be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by

category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.”; and

Further amend said bill, Section 135.610, Page 9, Line 54, by inserting after said section the

following:

“137.055. 1. After the assessor's book of each county, except in the city of St. Louis, shall be corrected and adjusted according to law, but not later than September twentieth, of each year, the county governing body shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and the same to be entered in the proper columns in the tax book.

2. Prior to fixing the rate of taxes, as provided in this section, the county governing body shall hold a public hearing on the proposed rate of taxes. A notice stating the time and place for the hearing shall be published in at least one newspaper qualified under the laws of Missouri of general circulation in the county at least seven days prior to the date of the hearing. The notice shall include the aggregate assessed valuation by category of real, total personal and other tangible property in the county as entered in the tax book for the fiscal year for which the tax is to be levied, the aggregate assessed valuation by category of real, total personal and other tangible property in the county for the preceding taxable year, the required sums to be raised from the property tax for each purpose for which the county levies taxes as approved in the budget adopted under chapter 50, RSMo, [and] the proposed rate of taxes which will produce substantially the same revenues as required by the budget, **and the increase in tax revenue realized due to an increase in assessed value as a result of new construction and improvement, and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.** Failure of any taxpayer to appear at said hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this subsection absolves county governing bodies of responsibilities under section 137.073 nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax

rate calculations.

138.380. It shall be the duty of the state tax commission, and the commissioners shall have authority, to perform all duties enumerated in this section and such other duties as may be provided by law:

(1) To raise or lower the assessed valuation of any real or tangible personal property, including the power to raise or lower the assessed valuation of the real or tangible personal property of any individual, copartnership, company, association or corporation; provided, that before any such assessment is so raised, notice of the intention of the commission to raise such assessed valuation and of the time and place at which a hearing thereon will be held, shall be given to such individual, copartnership, company, association or corporation as provided in sections 138.460 and 138.470;

(2) To require from any officer in this state, on forms prescribed by the commission, such annual or other reports as shall enable said commission to ascertain the assessed and equalized value of all real and tangible property listed for taxation, the amount of taxes assessed, collected and returned, and such other matter as the commission may require, to the end that it may have complete information concerning the entire subject of revenue and taxation and all matters and things incidental thereto;

(3) To cause to be placed upon the assessment rolls at any time during the year omitted property which may be discovered to have, for any reason, escaped assessment and taxation, and to correct any errors that may be found on the assessment rolls and to cause the proper entry to be made thereon;

(4) To investigate the tax laws of other states and countries, to formulate and submit to the legislature such recommendations as the commission may deem expedient to prevent evasions of the assessment and taxing laws,

whether the tax is specific or general, to secure just, equal and uniform taxes, and improve the system of assessment and taxation in this state;

(5) To prescribe the form of all blanks and books that are used in the assessment and collection of the general property tax, except as otherwise provided by law;

(6) To oversee the education and certification of all assessors and certain assessor staff as the commission deems appropriate;

(7) Conduct periodic ratio studies to determine the quality and level of assessments of real property for each assessment jurisdiction.

[138.395. The state tax commission shall notify each school district of the equivalent sales ratio for the previous year adopted for determining the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions of school foundation formula funds at least thirty days prior to the certification of such ratio to the department of elementary and secondary education, and shall provide the school district an opportunity for a meeting with the commission, or a duly authorized agent thereof, on such ratio prior to such certification. Prior to January 1, 1997, in certifying said ratios to the department of elementary and secondary education, the commission shall certify all ratios at thirty-three and one-third percent. On and after January 1, 1997, in certifying such ratios to the department of elementary and secondary education, the commission shall certify all ratios higher than thirty-one and two-thirds percent at thirty-three and one-third percent. On and after January 1, 1998, if the state tax commission, after performing the computation of equivalent sales ratio for

the county and recomputing such computation to ensure accuracy, finds that such equivalent sales ratio for the county is less than or equal to thirty-one and two-thirds percent, the state tax commission shall reduce the county's reimbursement by fifteen percent the following year if it is not corrected by subsequent action of the state tax commission.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 805, Page 33, Section 1., Line 4 by inserting after said line the following:

"Section 2. Notwithstanding the provisions of section 163.011, RSMo, for any school district located in more than one county and whose headquarters are located within a city of the fourth classification with more than two thousand five hundred but fewer than two thousand six hundred inhabitants and located in more than one county, the county signified in the school district shall be the county in the district with the highest dollar modifier.

Section B. Because immediate action is necessary for the immediate preservation of the public health, welfare, peace, and safety, the enactment of Section 2 of Section A of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever later occurs.";and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 13

Amend House Substitute Amendment 1 for

House Amendment 13 to House Committee Substitute for Senate Bill No. 805, Page 1, Line 5, after the word “state” insert thereafter the following:

“This tax holiday shall be known as the Governor Blunt Gas Tax Holiday.” ;and

Further amend said bill, Line 2 by deleting the word “**may**” and insert “**shall have the authority to**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 805, by inserting the following:

“that the Department of Transportation may promulgate rules to suspend the state fuel tax on gasoline in this state.”

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Section 14, by inserting after said line the following:

“72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city. **Each fire protection district affected by this section may impose up to one percent sales tax as defined in section 312.552,**

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2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.”;and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 805, Section 1, Page 33, Line 4 by

inserting after all of said line the following:

“Section 2. 1. As used in this section, “wind energy manufacturing facility” means a facility that, through the use of wind energy, produces electricity that is intended to be sold ultimately for final use or consumption, and includes the machinery and equipment used to produce the electricity, any substation or transformers located at the facility, and any access roads required to be built to support the delivery of equipment to the facility.

2. Notwithstanding any other provision of law to the contrary, in addition to all other exemptions granted under chapter 144, RSMo, there is hereby specifically exempted from the provisions of, and from any computation of the taxes levied, assessed, and payable under, sections 144.010 to 144.525 and 144.600 to 144.761, RSMo, tangible personal property purchased and used for the purpose of constructing or repairing a wind energy manufacturing facility located in this state and incorporated into or consumed in the construction or repair of the facility. Nothing in this section shall be construed to exempt the purchase of any construction machinery, equipment, or tools used in constructing or repairing the facility.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 805, Section 1, Page 33, Line 4, by inserting after all of said section the following:

“Section 2. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from all local sales taxes, as defined in section 32.085, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.757, and from the computation of the tax levied, assessed, or

payable pursuant to all local sales taxes as defined in section 32.085, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.811, all admission fees charged for hunting or taking of domestically raised pheasants, partridges and quail on shooting areas licensed by the Missouri department of conservation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 805, Page 7, Section 67.2510, Line 14, by inserting after said line the following:

“67.2715. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city that are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of constructing, equipping, operating, and maintaining a community center for such city, which may be funded by issuing bonds that will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax.

2. The ballot of submission shall contain, but need not be limited to:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

“Shall the municipality of (municipality's name) impose a sales tax of (insert amount) for the purpose of constructing, equipping, operating, and maintaining a community center, which may include the retirement of debt under previously authorized bonded indebtedness?”

☐ YES ☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”; or

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

“Shall the municipality of (municipality's name) issue bonds in the amount of (insert amount) to fund the cost of constructing, equipping, operating, and maintaining a community center impose a sales tax of (insert amount) to repay bonds?”

☐ YES ☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any

proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose the sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for constructing, equipping, operating, and maintaining a community center for such city for so long as the tax shall remain in effect. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued under this section.

4. All revenue received by a municipality that issues bonds under this section and imposes the tax authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of the community center. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the operation and

maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section that have been imposed to retire bonds issued under this section.

5. No tax imposed under this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for operating and maintaining the community center for the city. Any funds in such special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

7. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Community Center Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall

keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city that levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

8. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.”;and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 805, Page 29, Section 142.816, Line 282, by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the

amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal income taxes but disallowed against Missouri income taxes pursuant to this paragraph since July 1, 2002, may be carried forward and taken against any loss on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or

included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

and

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependants.

(2) In addition to the subtractions in subsection 3 of this section, qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent included in federal adjusted gross income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid. The amounts to be subtracted shall be as follows:

(a) For tax year 2006, up to twenty percent

of such qualified health insurance premiums;

(b) For tax year 2007, up to forty percent of such qualified health insurance premiums;

(c) For tax year 2008, up to sixty percent of such qualified health insurance premiums;

(d) For tax year 2009, up to eighty percent of such qualified health insurance premiums; and

(e) For tax years beginning on or after January 1, 2010, up to one hundred percent of such qualified health insurance premiums.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Line 14 by inserting immediately after said Line the following:

“100.050. 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

(1) A description of the project;

(2) An estimate of the cost of the project;

(3) A statement of the source of funds to be expended for the project;

(4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and

(5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the

following information:

(1) A statement identifying each school district, junior college district, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153, RSMo;

(2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;

(3) An analysis of the costs and benefits of the project on each school district, junior college district, county, or city; and

(4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, junior college district, county, or city in proportion to the current ad valorem tax levy of each school district, junior college district, county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, **or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants**, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or

other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 805, Page 21, Section 142.816, Line 12, by inserting after all of said line the following:

“143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 to 4 of this section, as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income the modifications to adjusted gross income provided in section 143.121 and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes [and fifty percent or more of its income is derived from sources within this state as determined in accordance with section 143.451,] then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income.

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated

group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter, or with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

4. [If a net operating loss deduction is allowed for the taxable year, there shall be added to federal taxable income the amount of the net operating loss modification for each loss year as to which a portion of the net operating loss deduction

is attributable.] **(1) It is the intention of operating loss shall be required to pay Missouri income tax based on Missouri additions to federal taxable income to the extent that such available and unused federal net operating losses exceed such Missouri additions. There shall be no tax due under sections 143.011 to 143.996, to the extent that the amount of any available unused federal net operating loss exceeds Missouri additions to federal taxable income in any tax year. In addition, no person shall effectively be denied an otherwise allowable depreciation deduction under the provisions of sections 143.011 to 143.996 over the life of any asset as a result of the addition adjustment to federal taxable income required by section by section 143.121. For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount. Federal taxable income shall be adjusted by the amount of any available federal net operating loss carry forward or carry back, as modified by this section, such that any available loss may offset a net addition modification as set forth herein. As used in this subsection, the following terms mean:**

[**(1) “Loss year”, the taxable year in which there occurs a federal net operating loss that is carried back or carried forward in whole or in part to another taxable year;**

(2)] (a) “Net addition modification”, for any taxable year, the amount by which the sum of all required additions to federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required subtractions from federal taxable income provided in this chapter;

(3) “Net operating loss deduction”, a net operating loss deduction allowed for federal income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of

subsection 2 of section 143.121, but not including any net operating loss deduction that is allowed for federal income tax purposes but disallowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121;

(4)] (b) “Net operating loss modification”, [an amount equal to the lesser of the amount of the net operating loss deduction attributable to that loss year or the amount by which the total net operating loss in the loss year is less than the sum of:

(a) The net addition modification for that loss year; and

(b) The cumulative net operating loss deductions attributable to that loss year allowed for the taxable year and all prior taxable years.] the amount of net operating loss deduction utilized as an offset against a net addition modification or the amount of any net subtraction modification as limited by subdivision (2) of this subsection.

(c) “Net subtraction modification”, for any taxable year, the amount by which the sum of all required subtractions from federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required additions to federal taxable income provided by this chapter;

(d) “Available net operating loss,” the amount of federal net operating loss that may be carried to the tax year for use as an offset in determining Missouri taxable income, as adjusted by the net operating loss modification.

(2) For property purchase on or after July 1, 2002, but before July 1, 2003, Sections 143.121 (2)(c) and 143.121(3)(g) are specifically intended to allow for the deduction of depreciation expense pursuant to Section 168 of the Internal Revenue Code of 1986, as in effect on January 1, 2002. Where a subtraction modification under 143.121(3)(g) contributes to creation of a net subtraction modification, the

amount of the net subtraction modification shall be added to the amount of the available net operating loss. This adjustment shall be limited to the lesser of the amount of the net subtraction modification or the amount of the subtraction modification required by Section 143.121(3)(g).

(3) The amount of available net operating loss will be established and maintained for each tax year in which a federal net operating loss occurred. Net operating loss modifications will be made to amounts carried from any individual loss year in the order allowed under Section 143.121 (2)(d).

5. [For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount.] Subsection 4 of this section shall be effective for all tax years with a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the net operating loss modification shall only apply to loss years ending on or after July 1, 2002.”; and

Further amend said bill by amending the title and enacting clauses accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Bill No. 805, Page 10, Section 139.031, Line 1, by inserting after “taxpayer,” the following:

“upon total payment of the current tax bill”

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Bill No. 805, Page 7, Section 67.2510, Line 14, by inserting after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all

real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in

section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and

the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following [percents] **percentages** of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real

property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review

of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a “drive-by inspection” or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. [The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective January 1, 2003, for any taxing jurisdiction within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective October 1, 2004, for all taxing jurisdictions in this state.] Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, for the next year

of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is

respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 766**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS for SCS for SB 894**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS for SCS for SB 904**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS for HCS for HB 1900**, as amended. Representatives: Dempsey, May, Pratt, LeVota and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS for SS for SCS for SB 894**. Representatives: Muschany, Bearden, Cunningham (86), Aull and Corcoran.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SB 1058**, entitled:

An Act to repeal sections 28.160, 41.950, 70.320, 105.711, 211.031, 211.093, 260.205, 347.015, 347.030, 347.039, 347.048, 347.129, 347.179, 347.189, 347.705, 347.725, 351.015, 351.047, 351.055, 351.120, 351.125, 351.127, 351.145, 351.155, 351.215, 351.370, 351.375, 351.430, 351.484, 351.576, 351.588, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.096, 355.161, 355.166, 355.176, 355.556, 355.688, 355.706, 355.761, 355.781, 355.786, 355.796, 355.801, 355.806, 355.811, 355.821, 355.856, 356.041, 356.211, 356.233, 358.020, 358.440, 358.470, 358.520, 359.011, 359.041, 359.091, 359.165, 359.501, 359.531, 374.261, 374.263, 374.265, 374.267, 375.787, 375.1012, 404.051, 404.550, 404.714, 407.300, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, 407.1227, 417.005, 417.011, 417.016, 417.018, 417.026, 417.031, 417.046, 417.210, 429.010, 429.080, 452.310, 452.340, 452.375, 452.377, 452.400, 452.402, 454.530, 456.1-103, 456.1-105, 456.1-110, 456.1-112, 456.2-204, 456.3-301, 456.3-304, 456.4-401, 456.4-402, 456.4-411A, 456.4-411B, 456.5-501, 456.5-504, 456.5-506, 456.7-703, 456.8-813, 456.8-814, 456.8-816, 473.333, 473.787, 475.092, 475.130, 475.190, 476.681, 477.005, 478.428, 479.020, 479.260, 483.245, 483.260, 484.020, 486.215, 486.225, 486.230, 486.235, 486.280, 486.385, 488.014, 488.2253, 491.170, 510.120, 516.140, 535.040, 536.010, 536.100, 559.607, 610.021, and 610.100, RSMo, and to enact in lieu thereof one hundred eighty-one new sections relating to judicial procedures and personnel, with penalty provisions, an effective date for certain sections, and an emergency clause.

With House Amendment Nos. 1, 2, 3, House Amendment No. 2 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5 and House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for

Senate Substitute for Senate Bill No. 1058, Page 1, In the Title, Line 15, by deleting the section numbers “456.4-411A, 456.4-411B,” and inserting in lieu thereof the section numbers “456.4A-411, 456.4B-411,”; and

Further amend said bill, Page 2, Section A, Line 13, by deleting the section numbers “456.4-411A, 456.4-411B,” and inserting in lieu thereof the section numbers “456.4A-411, 456.4B-411,”; and

Further amend said bill, Page 3, Section A, Line 32, by deleting the section numbers “456.4-411A, 456.4-411B,” and inserting in lieu thereof the section numbers “456.4A-411, 456.4B-411,”; and

Further amend said bill, Page 151, Section 456.3-301, Lines 11 and 12, by deleting the section number “**456.4-411A**” and inserting in lieu thereof the section number “**456.4A-411**”; and

Further amend said bill, Page 152, Section 456.4-411A, Line 1, by deleting the section number “456.4-411A” and inserting in lieu thereof the section number “**456.4A-411**”; and

Further amend said bill, Page 153, Section 456.4-411B, Line 1, by deleting the section number “456.4-411B” and inserting in lieu thereof the section number “**456.4B-411**”; and

Further amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section B, Page 199, Lines 1-4, by deleting all of said Lines and inserting in lieu thereof the following:

“Section B. The provisions of sections 28.160 to 650.120 of section A of this act are severable. If any part of sections 28.160 to 650.120 of section A of this act is declared invalid or unconstitutional, it is the intent of the legislature that the remaining portions of sections 28.160 to 650.120 of section A of this act shall remain and be in full force and effect.”; and

Further amend said Substitute, Section E,

Page 200, Lines 1-5, by deleting all of said Lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 1, In the Title, Line 19, by inserting at the end of said line the following:

“and sections 163.011 and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session,”; and

Further amend said bill, Page 2, Section A, Line 17, by inserting after “RSMo,” the following:

“and sections 163.011 and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session,”; and

Further amend said bill, Page 13, Section 105.711, Line 217, by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily

attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "Current operating expenditures":

(a) For the fiscal year 2007 calculation, "current operating expenditures" shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other

districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that

are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the

total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount

received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines **or less any decrease in the amount received for school purposes from fines in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006.** If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

"Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district

each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state

adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus

the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state

revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of

revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar

value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) If a school district experiences a decrease in summer school average daily attendance of more than fifteen percent from the district's 2005-06 summer school average daily attendance in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the

percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section

163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”;

Further amend said bill, Page 200, Section E, Line 5, by inserting after all of said line the

following:

“Section F. Because immediate action is necessary to ensure adequate funding for schools, the repeal and reenactment of sections 163.011 and 163.031 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the repeal and reenactment of sections 163.011 and 163.031 is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 163.011 and 163.031 of section A of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever later occurs.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 260.205, Page 26, Line 297, by inserting after all of said line the following:

“302.546. 1. Any person who would be qualified to receive a driver’s license under the provisions of this chapter but for conduct that occurred in another state may file a petition in circuit court directing that a restricted driver’s license be issued to such person. The petition shall specify the conduct that would otherwise prevent the issuance of the license and request the court to enter judgment directing the license to be issued.

2. The petition shall be served on the director of the department of revenue who may request counsel, including the prosecuting attorney, to enter the case on the department’s behalf.

3. The petitioner shall bear the burden of proving by clear and convincing evidence that the terms imposed by the other state are inequitable. If the petitioner meets this burden, the court may enter judgment directing a

license be issued, with the license bearing a restriction that it is valid only for purposes of driving in this state. Any such judgment shall include a method for satisfying the restrictions imposed by the other state, but the method may differ from that entered in the other state. No such judgment shall be entered that fails to give full faith and credit to the judicial judgments of the other state or that would violate section 302.600, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 1, Lines 1-2, by deleting all of said Lines; and

Further amend said Amendment, Page 1, Line 4, by deleting the word “FURTHER AMEND said bill” and inserting in lieu thereof the following:

“AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058,”; and

Further amend said Amendment, Page 1, Lines 7-8, by deleting all of said Lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 166, Section 477.005, Lines 1-9 by deleting all of said lines; and

Further amend said bill, Pages 170-171, Section 483.245, Lines 1-39 by deleting all of said lines; and

Further amend said bill, Pages 175-176, Section 488.2253, Lines 1-15 by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 167, Section 479.020, Line 1, by inserting immediately preceding said line the following:

“478.529. Beginning January 1, 2007, there is hereby created a state-funded family court commissioner position in the thirty-first judicial circuit.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 610.021, Pages 184-185, Lines 111-120, by deleting all of said Lines and inserting in lieu thereof the following:

“(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer’s employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.”; and

Further amend said Substitute, Section 610.100, Page 185, Line 29, by inserting after all of said Line the following:

“However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under this section shall apply.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 904**, as amended. Representatives: Lembke, Quinn, Cooper (158), Walsh and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SB 766**, as amended. Representatives: Bruns, Nieves, Richard, Yaeger and Wright-Jones.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 31**.

HOUSE CONCURRENT RESOLUTION NO. 31

Whereas, two of this country's greatest waterways, the Mississippi River on Missouri's eastern border and the Missouri River which winds across the state, helped Missouri become a supply center for many of the westward-bound settlers of the nation's early years; and

Whereas, from the muddy Missouri to the swift and clear Jacks Fork, the hundreds of rivers and streams in Missouri snake across more than 50,000 miles of the state - more than twice the distance around the earth - providing endless recreational opportunities for Missourians, including boating, fishing, swimming, and bird watching along the bluffs bordering our many

rivers and streams; and

Whereas, shipping along the navigable rivers boosted Missouri's status as an agriculture supplier, barges and steamboats used the waterways to move goods, river towns boomed, and railroads continued to fuel the growth of Missouri as a large transportation center; and

Whereas, the Missouri Territory, and later the State of Missouri, took the name of the Missouri River which was named for the Missouri Indians who lived along the banks. The name "Missouri" means "canoe haver"; and

Whereas, the State of Missouri has many nicknames, with the most widely recognized being "The Show-Me State". Missouri is also called the "The Cave State", "The Lead State", "The Bullion State", "The Ozark State", "The Iron Mountain State", and the "Pennsylvania of the West"; and

Whereas, roads along or near both banks of the Mississippi River along its entire length have been designated as "The Great River Road" and are marked with a special road sign which depicts a ship's wheel; and

Whereas, the Great Rivers Greenway District was established in November 2000 in St. Louis City, St. Louis County, and St. Charles County to eventually develop "The River Ring" as an interconnected system of greenways, parks, and trails in the St. Louis area which will enhance the quality of life for residents and visitors; and

Whereas, from confluence of the Big Muddy and the Mighty Mississippi at the eastern portion of the state and looking north, south, or west, the State of Missouri includes the land that Meriwether Lewis and William Clark scanned as they began their journey up the Missouri River on their Voyage of Discovery in 1804, the land that is habitat for deer, turkey, bald eagles, and other wildlife, the land that is farmland abundant with agricultural crops, and the same land that held 260 billion gallons of water during the Great Flood of 1993; and

Whereas, with much of Missouri's history tied to the mighty rivers that flow through it, Missouri should also be known as the "The Great Rivers State":

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby encourage the use of the slogan "The Great Rivers State" as a slogan for the State of Missouri and urge the Division of Tourism within the Department of Economic Development to recognize and incorporate the slogan in promoting Missouri tourism; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for John Robinson, the Director of the Division of Tourism.

In which the concurrence of the Senate is

respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 23**.

HOUSE CONCURRENT RESOLUTION NO. 23

Whereas, the federal No Child Left Behind (NCLB) Act requires states to assess all students in their state's assessment program; and

Whereas, the Act provides for a limited number of students with disabilities to be assessed with an alternate assessment, but only 1% of a school district's tested population may be counted as proficient or above using the alternate assessment; and

Whereas, this limitation results in some special needs students being included in the regular state assessment system when, in fact, their cognitive disabilities are such that they should not be assessed with their age or grade-level peers; and

Whereas, a more appropriate assessment for them might be a test that was developed for use in some grade-level below the grade in which they are classified, but the United States Department of Education regulations governing the implementation of the NCLB Act prohibit this "out of grade-level" testing; and

Whereas, the United States Department of Education has recently allowed for the inclusion of an additional 2% of students with disabilities to be assessed with a modified grade-level assessment, but this additional flexibility still prohibits "out of grade-level" testing; and

Whereas, the Individuals with Disabilities Education Improvement Act (IDEA), which predates the NCLB Act, contains requirements for assessment that must be included in the student's individualized educational program (IEP), which may not meet the requirements of the NCLB Act for assessment and thus may place the IEP team at odds with the overall NCLB assessment process and may create confusion for parents; and

Whereas, certain accommodations written into an IEP, such as reading out loud or paraphrasing, are currently not acceptable for certain assessments under NCLB procedures, thus making the student's performance on the assessment not count for NCLB purposes and denying the student an accommodation that the IEP team has documented as necessary to the child's best chances for a proficient performance; and

Whereas, Secretary Margaret Spellings has shown an admirable flexibility in permitting experimentation with alternative approaches to the NCLB Act while keeping the focus on accountability:

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, that the interests of the special needs students of the state would best be served by

reviewing the assessment provisions of IDEA and the NCLB Act together to eliminate contradictory objectives, so that accommodations that are appropriate to a student with an IEP do not invalidate the student's assessment results for the purposes of No Child Left Behind assessments; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Margaret Spellings, Secretary of the United States Department of Education and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SB 766**, with **HA 1**: Senators Vogel, Nodler, Champion, Coleman and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 894**, as amended: Senators Nodler, Shields, Mayer, Wilson and Days.

Senator Shields announced that photographers from the St. Joseph News-Press had been given permission to take pictures in the Chamber today.

HOUSE BILLS ON THIRD READING

HJR 55, introduced by Representative Lipke, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation and discipline of public officials.

Was taken up by Senator Crowell.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 55, Page 3, Section 3, Line 68, by striking the opening

bracket “[”; and further amend line 69 by inserting immediately after the word “by” as it appears the second time in said line the following: “**a two-thirds majority vote**”; and further amend line 70 by striking the closing bracket “]”.

Senator Shields moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Coleman, Purgason, Shields and Wheeler.

SA 1 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Callahan	Cauthorn
Champion	Clemens	Engler	Gibbons
Griesheimer	Gross	Loudon	Nodler
Purgason	Rupp	Scott	Shields
Stouffer	Vogel—18		

NAYS—Senators

Bartle	Bray	Coleman	Crowell
Days	Dougherty	Goodman	Graham
Green	Kennedy	Klindt	Koster
Mayer	Ridgeway	Wheeler	Wilson—16

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crowell, **HJR 55**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Coleman	Days	Dougherty	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—25			

NAYS—Senators

Barnitz	Callahan	Champion	Clemens
Crowell	Engler	Loudon	Purgason
Rupp—9			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Crowell, title to the joint resolution was agreed to.

Senator Crowell moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 616**, entitled:

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof four new sections relating to assisted living facilities.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5 and House Amendment No. 5, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Section 198.005, Page 5, Line 113, by inserting after the word “recuperation” the following:

“except that, for purposes of receiving supplemental welfare assistance payments under section 208.030, RSMo, only any residential care facility licensed as a residential care facility II immediately prior to the effective date of section 198.073 and that continues to

meet such licensure requirements for a residential care facility II licensed immediately prior to the effective date of section 198.073 shall continue to receive after the effective date of section 198.073 the payment amount allocated immediately prior to the effective date of section 198.073 for a residential care facility II under section 208.030”; and

Further amend said Section, Page 5, Line 137 by inserting after the word “**institutional**” the following:

“with respect to construction and physical plant standards”; and

Further amend said Substitute, Section 198.073, Page 8, Line 104, by inserting after the word “**reimbursement**” the following:

“, not including residents’ cost of living increases in their benefits from the Social Security Administration after the effective date of this act,”; and

Further amend said Section, Page 8, Line 105, by deleting the words “**forty-five percent of the average total reimbursement rate for care of such persons in a skilled nursing facility**” and insert in lieu thereof the following:

“forty-one dollars per day”; and

Further amend said Section, Page 11, Line 204, by inserting after all of said Line the following:

“Any residential care facility II licensed under this chapter which does not use the term “assisted living” in the name of their licensed facility on or before May 1, 2006, shall be prohibited from using such term after August 28, 2006, unless such facility meets the requirements for an assisted living facility in subsection 4 of this section.”; and

Further amend said Section, Page 11, Lines 205-209, by deleting all of said Lines; and

Further amend said Substitute, Section 1, Page

12, Lines 1-4, by deleting all of said Lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 2, Section 198.006, Line 32, by inserting after the second appearance of the word “**who**” on said line the word “**may**”; and

Further amend said bill, Page 2, Section 198.006, Line 33, by deleting the words “**one or more of**”; and

Further amend said bill, Page 5, Section 198.006, Line 136, by deleting the phrase “**residential care facility I or**”; and

Further amend said bill, Page 8, Section 198.073, Line 99, by inserting after the words “**residential care facility**” the numeral “**II**”; and

Further amend said bill, Page 9, Section 198.073, Line 112, by deleting the phrase “**applying for licensure**” and inserting in lieu thereof the word “**licensed**”; and

Further amend said bill, Page 9, Section 198.073, Line 113, by deleting the phrase “**that were not licensed as a residential care facility II on August 27, 2006**” and inserting in lieu thereof the following: “**except for facilities licensed under subsection 3 of this section**”; and

Further amend said bill, Page 9, Section 198.073, Line 114, by inserting after the word “**admit**” the words “**or retain**”; and

Further amend said bill, Page 9, Section 198.073, Lines 114 and 115, by deleting the phrase “**, or remain in such facility,**”; and

Further amend said bill, Page 9, Section 198.073, Line 134, by deleting the word and number “**subsection 6**” and inserting in lieu thereof the word and number “**subsection 7**”; and

Further amend said bill, Page 11, Section 198.073, Line 202, by deleting the first appearance of the word “**facility**” on said line and inserting in lieu thereof the word “**entity**”; and

Further amend said bill, Page 11, Section 198.073, Line 211, by deleting the number “**28**” and inserting in lieu thereof the number “**27**”; and

Further amend said bill, Page 11, Section 198.073, Line 213, by inserting after the word “**Code**” the number and word “**13 or**”; and

Further amend said bill, Page 12, Section 198.073, Lines 3 and 4, by deleting the phrase “**unless licensed as an assisted living facility**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Section 198.073, Page 8, Line 99, by inserting after the words “**residential care facility**” the following:

“**II**”; and

Further amend said Section, Page 11, Line 202, by deleting the first appearance of the word “**facility**” and inserting in lieu thereof the following:

“**entity**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 12, Section 1, Line 4 by inserting after said line the following:

“**Section 2. The department of social services, division of medical services and the department of health and senior services,**

division of senior and disability services shall work together to implement a new Medicaid payment system for assisted living facilities defined in 198.006 RSMo. The departments shall look at possible options including but not limited to federal Medicaid waivers, state plan amendments and provisions of the federal Deficit Reduction Act of 2005 that will allow a tiered rate system via a bundled monthly rate for all services not included in the room and board function of the facility including but not limited to: adult day care/socialization activities, escort services, essential shopping, health maintenance activities, housekeeping activities, meal preparation, laundry services, medication assistance (set-up and administration), personal care services, assistance with activities of daily living and instrumental activities of daily living, transportation services, nursing supervision, health promotion and exercise programming, emergency call systems, incontinence supplies, and companion services. The amount of the personal funds allowance for the Medicaid recipient residing in an assisted living facility shall include enough money for over-the-counter medications and co-payments for Medicaid and Medicare Part D services. The departments shall work with assisted living facility provider groups in developing this new payment system. The department of social services shall submit all necessary applications for implementing this new system singularly or within a multi-service state Medicaid waiver application to the secretary of the federal Department of Health and Human Services by July 1, 2007.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House

Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Pages 2-3, Subsection 6 of section 198.087, by deleting all of said subsection; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 12, Line 5, by inserting immediately after all of said line the following:

“198.087. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of social services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training, and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes,

rules, and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter;

(4) With the full cooperation of and in conjunction with the department of health and senior services, evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules, requirements, regulations, and standards under section 197.080, RSMo, for residential care facilities II, intermediate care facilities, and skilled nursing facilities attached to an acute care hospital are consistent with the intent of this chapter. A report of the differences found in the evaluation conducted under this subdivision shall be made jointly by the departments of social services and health to the governor and members of the general assembly by January 1, 2008; and

(5) With the full cooperation and in conjunction with the department of health and senior services, develop rules and regulations requiring the exchange of information, including regulatory violations, between the departments to ensure the protection of individuals who are served by health care providers regulated by either the department of health and senior services or the department of social services;

(6) With the full cooperation of and in conjunction with the department of health and senior services, develop a pilot project to be conducted in at least one of the seven regions of the department of health and senior services in the state designed to evaluate the implementation of and compliance with section 198.073 and that the rules, requirements, regulations, and standards developed there under relating to assisted living facilities are consistent with the intent of this chapter;

(a) The pilot project survey team shall, at a minimum, consist of the following:

a. A licensed nursing home administrator who has been licensed by the state of Missouri as a nursing home administrator for at least three years and has served as an administrator of intermediate or skilled care nursing center for at least one year and who has not been terminated from any administrator's position for cause;

b. A registered nurse who has been licensed by the state of Missouri as a registered nurse for at least three years and has served as a director of nursing in an intermediate or skilled care nursing center for at least one year who has not been terminated from any director of nursing position for cause;

c. A certified nurses aide who has been certified by the state of Missouri as a certified nurses aide for at least six years and has worked served as a certified nurses aide in an intermediate or skilled care nursing center for at least three years and who has not been terminated from any certified nurses aide position for cause;

(b) The pilot project survey team shall inspect all assisted living facilities in its region to determine compliance with the stat licensing laws and regulations governing assisted living facilities;

(c) No later than January 1, 2007, the department of health and senior services shall develop a survey tool to enable the pilot project survey team to comprehensively assess during one survey for regulatory and licensing compliance for all services received by the assisted living facility resident in the assisted living facility provided by any health care provider licensed or certified by the department of health and senior services;

(d) No later than January 1, 2007, the department of health and senior services shall develop a tool to measure the impact of the shared responsibility agreement which allows

for variations in standards and policies based on the preferences of the resident or the resident's legal representative that has the potential for serious adverse outcomes on the assisted living facility residents' health and safety;

(e) Inspections or surveys under this pilot project shall begin no later than June 1, 2007.”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SCS** for **SB 1221**, entitled:

An Act to repeal sections 50.565, 192.925, 195.017, 210.482, 217.670, 217.690, 221.040, 311.310, 311.325, 311.326, 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.5-508, 409.6-604, 409.6-607, 479.260, 488.5050, 488.5320, 491.170, 545.050, 550.040, 556.036, 561.031, 565.182, 568.070, 569.145, 570.040, 573.037, 577.020, 577.021, 577.023, 577.070, 577.500, 578.250, 578.255, 578.260, 578.265, 578.409, 595.030, 595.209, 610.105, and 650.457, RSMo, and to enact in lieu thereof fifty-nine new sections relating to crime, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 486.185, Pages 58-59, Lines 1-36, by deleting all of said Lines from the Substitute; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 409.5-508, Page 55, Line 9 by inserting immediately after the word “**criminal**” in the second instance the word “**securities**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 409.1-102, Page 32, Lines 46-48, by deleting the following:

“that is not an “insured depository institution” as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)), or any successor federal statute”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 573.037, Page 67, Line 7, by inserting immediately after said Line the following:

“575.080. 1. A person commits the crime of making a false report if [he] **such person** knowingly:

(1) Gives false information to any person for the purpose of implicating another person in a crime; or

(2) Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or

(3) Makes a false report or causes a false

report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. Making a false report is a class **[B misdemeanor] A misdemeanor.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 590.035, Page 77, Line 4 by inserting immediately after said Line the following:

“590.190. **The director is authorized to promulgate rules and regulations to implement the provisions of sections 590.010 to 590.190.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after

August 28, 2001, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 210.482, Page 25, Line 50, by inserting immediately after said Line the following:

“210.1012. 1. There is hereby created a statewide program called the “Amber Alert System” referred to in this section as the “system” to aid in the identification and location of **an abducted [persons] child.**

2. For the purposes of this section, “abducted [person] **child**” means a [person] **child** whose whereabouts are unknown and who is:

(1) **Less than eighteen years of age and reasonably believed to be the victim of the crime of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;**

(2) **Reasonably believed to be the victim of the crime of child kidnapping, as defined by section 565.115, RSMo, as determined by law enforcement; or**

(3) **Less than eighteen years of age and at least fourteen years of age, and who would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115, RSMo, as determined by law enforcement, if such person was under the age of fourteen.**

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the jurisdiction, it shall

notify the department of public safety who will notify local media in the region.

4. The Amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the Amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in an Amber alert system is entirely at the option of local law enforcement agencies and federally licensed radio and television broadcasters.

7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is guilty of a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 3, Page 85, Line 3 by inserting immediately after said Line the following:

“Section 4. 1. The department of public safety has the authority to promulgate rules establishing recommended procedures for issuing missing endangered person advisories. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section

536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

2. For the purposes of this section, “missing endangered person” means a person whose whereabouts are unknown and who is:

(1) Physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;

(2) Missing under circumstances indicating that the missing person’s safety may be in danger; or

(3) Missing under involuntary or unknown circumstances.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 565.182, Page 64, Line 8, by inserting after all of said line the following: **“565.320. 1. As used in this section the following terms shall mean:**

(1) “Crime of violence”, any crime which involved the threat or use of physical force against an elderly person;

(2) “Elderly”, a person sixty-five years of age or older.

2. Notwithstanding any other provision of law no court shall sentence a person who has pled guilty or nolo contendere to or has been found guilty of a crime of violence against the elderly to a term of imprisonment of less than

thirty consecutive days or to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he or she has served a minimum of thirty consecutive days of imprisonment.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 578.409, Pages 76-77, Lines 1-32, by deleting all of said Lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 69, Section 577.020, Line 53, by inserting after said line the following:

“Full information is limited to the following:

(1) The type of test administered and the procedures followed;

(2) The time of the collection of the blood, breath, or urine sample analyzed;

(3) The numerical results of the test indicating the alcohol content of the blood, breath, or urine;

(4) The type and status of any permit which was held by the person who performed the test;

(5) If the test was administered by means of a breath testing instrument, the date of performance of the most required maintenance of such instrument.

Full information does not include schematics, manuals, or software of the instrument used to test the person or any other material that is not in the actual possession of the state.

Additionally, full information does not include

information in the possession of the manufacturer of the test instrument.”

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 64, Section 561.031, Line 28, by inserting immediately after said line the following:

565.063. 1. As used in this section, the following terms mean:

(1) “Domestic assault offense”:

(a) The commission of the crime of domestic assault in the first degree [pursuant to section 565.072] or domestic assault in the second degree [pursuant to section 565.073]; or

(b) The commission of the crime of assault in the first degree [pursuant to the provisions of section 565.050] or assault in the second degree [pursuant to the provisions of section 565.060], if the victim of the assault was a family or household member; or

(c) The commission of a crime in another state, or any federal offense, or any military offense which, if committed in this state, would be a violation of any offense listed in paragraph (a) or paragraph (b) of this subdivision.

(2) “Family” or “household member”, spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3) “Persistent domestic violence offender”, a person who has pleaded guilty to or has been found guilty of two or more domestic assault offenses, where such two or more offenses occurred within ten years of the occurrence of the domestic assault offense for which the person is charged; and

(4) “Prior domestic violence offender”, a

person who has pleaded guilty to or has been found guilty of one domestic assault offense, where such prior offense occurred within five years of the occurrence of the domestic assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent domestic violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months' imprisonment.

3. The court shall find the defendant to be a prior domestic violence offender or persistent domestic violence offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior domestic violence offender or persistent domestic violence offender.

4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

6. The defendant shall be accorded full rights of confrontation and cross-examination, with the

opportunity to present evidence, at such hearings.

7. The defendant may waive proof of the facts alleged.

8. Nothing in this section shall prevent the use of presentence investigations or commitments.

9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

10. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior domestic violence offenders or persistent domestic violence offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

14. Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if

the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.

15. Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:

(a) To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or

(b) To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 568.070, Page 65, Lines, 17 and 18, by deleting all of said lines and inserting in lieu thereof the following words, **“video game which contains the mutilation of body parts, gore, depictions of human injury”**;

Further amend said section, Page 65, Line 25, by deleting the following words, **“rated M or AO”** and inserting in lieu thereof the following words, **“as described by this section”**;

Further amend said section, Page 66, Lines, 43 and 44, by deleting the words, **“rated M or AO”** and inserting in lieu thereof the following words, **“as described by this section”**;

Further amend said section, Page 66, Lines 45 and 46, by deleting all of said lines and inserting in lieu thereof the following words, **“2. Unlawful transactions with a child is a class B misdemeanor.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 83, Section 610.105, Line 17, by inserting immediately after said line the following:

“650.340. 1. The provisions of this section may be cited and shall be known as the “911 Training and Standards Act”.

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

(1) Police telecommunicator. 16 hours;

(2) Fire telecommunicator. 16 hours;

(3) Emergency medical services telecommunicator 16 hours;

(4) Joint communication center telecommunicator 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least [sixteen] **twenty-four** hours of ongoing training every [two] **three** years by such persons or organizations as provided in subsection 6 of this section. **The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590, RSMo.**

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which are at least as stringent as the training requirements of subsection 2 of this section.

6. The department of public safety shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, RSMo, or a person trained by an entity accredited or certified under section 190.131, RSMo, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 29, Section 221.040, Line 7 by inserting after said line the following:

“304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections.

2. The sheriff or any peace officer or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof he or she

shall have a right at that time and place to cause the excess load to be removed from such vehicle; and provided further, that any regularly employed maintenance man of the department of transportation shall have the right and authority in any part of this state to stop any such conveyance or vehicle upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time and place to cause the excess load to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if this will not overload some other axle or axles, without being charged with a violation; provided, however, the privilege of shifting the weight without being charged with a violation shall not extend to or include vehicles while traveling on the federal interstate system of highways. When only an axle or tandem axle group of the vehicle traveling on the federal interstate system of highways is overloaded and a court authorized to enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded, then the court may find that no violation has been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has

been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance men to enforce the provisions of such sections, and the maintenance men delegated and appointed in this section shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution by such proper officers.

3. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to supervise or operate permanent or portable weigh stations used in the enforcement of commercial vehicle laws. These persons shall be designated as commercial vehicle inspectors and have limited police powers:

(1) To issue uniform traffic tickets at a permanent or portable weigh station for violations of rules and regulations of the division of motor carrier [and railroad safety of the department of economic development] **services of the highways and transportation commission** and department of public safety, and laws, rules, and regulations pertaining to commercial motor vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests for violation of

subdivisions (1) and (2) of this subsection. Commercial vehicle inspectors shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol; nor shall they have the right as peace officers to bear arms.

4. The superintendent of the Missouri state highway patrol may appoint qualified persons, who are not members of the highway patrol, designated as commercial vehicle enforcement officers, with the powers:

(1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this subsection. **Commercial vehicle officers selected and designated as peace officers by the superintendent of the Missouri state highway patrol are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests solely for violations under the powers granted in subdivisions (1) to (3) of this subsection.** Commercial vehicle enforcement officers shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the

superintendent of the Missouri state highway patrol **and have completed the mandatory standards for the basic training and licensure of peace officers established by the peace officers standards and training commission under subsection 1 of section 590.030, RSMo. Commercial vehicle officers who are employed and performing their duties on August 28, 2006, shall have until July 1, 2010, to comply with the mandatory standards regarding police officer basic training and licensure.** Commercial vehicle enforcement officers shall have the right as peace officers to bear arms.

5. Any additional employees needed for the implementation of this section shall be hired in conformity with the provisions of the federal fair employment and antidiscrimination acts.

6. Any part of this section which shall be construed to be in conflict with the axle or tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 56.087, Page 3, Line 17 by inserting immediately after said Line the following:

“174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control.

174.703. **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as proscribed in chapter 304, RSMo. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590, RSMo, for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, RSMo, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to

protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control devices, as defined in section 300.010, RSMo, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, RSMo, with penalty provisions as provided in section 304.570, RSMo. Points assessed against any person under section 302.302, RSMo, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577, RSMo. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.”; and

Further amend said Substitute, Section

491.170, Page 62, Line 18 by inserting immediately after said Line the following:

“544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, any commissioned member of the Missouri state park rangers, **any college or university police officer**, and any authorized agent of the Missouri state water patrol in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's, state park ranger's, **college or university police officer's**, or water patrol officer's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's

appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term “fresh pursuit”, as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. “Fresh pursuit” as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

(1) There shall be supervisory control of the pursuit;

(2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(3) There shall be procedures for coordinating operation with other jurisdictions; and

(4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 565.182, Page 64, Lines 1-8 by deleting all of said Lines from the Substitute; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 73, Section 577.023, Line 124 by inserting after said line the following:

“577.029. A licensed physician, registered nurse, or trained medical technician at the place of his **or her** employment, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his **or her** good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. [A nonalcoholic antiseptic shall be used for cleansing the skin prior to venapuncture.] Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him **or her**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 488.5050, Page 60, Line 1, by inserting immediately preceding all of said Line the following:

“488.5025. 1. In addition to any other assessment authorized by law, a court may assess a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine, sanction, or court costs on a time- payment basis, including restitution and juvenile monetary assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine, sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other enforcement provisions authorized by law.

2. Ten dollars of the time-payment fee collected pursuant to this section shall be payable to the clerk of the court of the county, **or clerk of the court of the municipality**, from which such fee was collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the court en banc of any such county to be utilized by the court **where such fine is collected** to improve, maintain, and enhance the ability to collect and manage moneys assessed or received by the courts, to improve case processing, enhance court security, preservation of the record, or to improve the administration of justice. Eight dollars of the time-payment fee shall be deposited in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the time-payment fee shall be paid to the director of revenue, to be deposited to the general revenue fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 610.105, Page 83, Line 1, by inserting immediately preceding all of said Line the following:

“610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely

affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before

the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental

body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in

disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2008;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; and

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer's employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.”; and

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) “Arrest”, an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) “Arrest report”, a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) “Inactive”, an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or

expiration of all rights of appeal of such persons;

(4) “Incident report”, a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) “Investigative report”, a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

(6) Investigative reports and incident reports, or other law enforcement records covered under this section, shall not include any records or documents pertaining to internal investigations by law enforcement agencies into matters of fitness and conduct of law enforcement officers employed by such investigating law enforcement agencies and used solely in connection with such officers' employment, as described in subdivision (22) of section 610.021. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under this section shall apply.

2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive. If any person is arrested and not charged with an

offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness

or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has

knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566, RSMo, may request that his or her identity be kept confidential until a charge relating to such incident is filed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conferee change to **HCS** for **SS** for **SCS** for **SB 894**, as amended: Senator Rupp to replace Senator Mayer.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 904**, as amended: Senators Griesheimer, Klindt, Koster, Wheeler and Coleman.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 616**, as

amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Loudon moved that the Senate refuse to concur in **HCS** for **SS** for **SB 1058**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, and the conferees be allowed to exceed the differences in Chapter 420, which motion prevailed.

Senator Goodman moved that the Senate refuse to concur in **HCS No. 2** for **SCS** for **SB 1221**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Gross moved that the Senate refuse to concur in **HCS** for **SB 805**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 825**, as amended, entitled:

An Act to amend chapter 70, RSMo, by adding thereto seven new sections relating to the Kansas and Missouri Regional Investment District Compact.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bill No. 825, Section 70.515, Page 9, Line 268 by deleting the word “**count**” on said line and inserting in lieu thereof the word “**county**”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 825, Page 3, Section 70.515, Line 69, by inserting after the word “**elected**” the word “**chief**”; and

Further amend said bill, Page 5, Section 70.515, Line 133, by deleting all of said line and inserting in lieu thereof the following: “**the Eligible Uses set forth in Article VIII of this**”; and

Further amend said bill, Page 5, Section 70.515, Line 144, by deleting the word “**reviewed**” and inserting in lieu thereof the word “**renewed**”; and

Further amend said bill, Page 5, Section 70.515, Line 146, by inserting after “**Article IX,**” the word “**Section**”; and

Further amend said bill, Page 5, Section 70.515, Line 149, by deleting all of said line and inserting in lieu thereof the following: “**the date or dates by which the election shall be held**”; and

Further amend said bill, Page 6, Section 70.515, Line 175, by deleting all of said line and inserting in lieu thereof the following: “**guidelines shall be consistent with the Program**”; and

Further amend said bill, Page 6, Section 70.515, Line 176, by inserting after “**Article IV,**” the word “**Section**”; and

Further amend said bill, Page 6, Section 70.515, Line 180, by deleting all of said line and inserting in lieu thereof the following: “**Committee shall direct to implement the Program Plan developed for an approved**”; and

Further amend said bill, Page 7, Section 70.515, Lines 214 and 215, by deleting all of said lines and inserting in lieu thereof the following: “**A Program Plan developed by the Commission shall be available to the public for review and comment in advance of dates set by the Commission for submission**”; and

Further amend said bill, Page 8, Section 70.515, Line 237, by inserting after “**District**” the following: “**, with such tax to extend no longer than(insert years not to exceed fifteen) years following the first receipt by the county treasurer of revenue from such tax**”; and

Further amend said bill, Page 9, Section 70.515, Line 268, by deleting the word “**count**” and inserting in lieu thereof the word “**county**”; and

Further amend said bill, Page 9, Section 70.515, Line 275, by deleting the word “**subject**”; and

Further amend said bill, Page 9, Section 70.515, Line 280, by deleting the word “**section**” and inserting in lieu thereof the word “**Compact**”; and

Further amend said bill, Page 10, Section 70.515, Line 313, by deleting all of said line and inserting in lieu thereof the following: “**subdivisions of the states of Missouri or Kansas and/or local units of government in the**”; and

Further amend said bill, Page 10, Section 70.515, Line 322, by deleting the word “**each**” and inserting in lieu thereof the word “**a**”; and

Further amend said bill, Page 11, Section 70.515, Line 358, by deleting the word “**Commissioners**” and inserting in lieu thereof the word “**Commission**”; and

Further amend said bill, Page 12, Section 70.515, Line 373, by deleting the word “**each**” and inserting in lieu thereof the word “**an**”; and

Further amend said bill, Page 13, Section

70.515, Line 406, by deleting all of said line and inserting in lieu thereof the following: **“the Commission, in addition to the sales tax authorized by this Compact, may be raised by the governing bodies of the respective counties by the”**; and

Further amend said bill, Page 13, Section 70.515, Line 407, by inserting after **“authorized”** the following: **“by those counties or cities in those counties or”**; and

Further amend said bill, Page 15, Section 70.535, Lines 39 and 40, by deleting all of said line and inserting in lieu thereof the following: **“unless renewed by the qualified electors of that county prior to its expiration, or on the date”**; and

Further amend said bill, Page 16, Section 70.535, Line 51, by deleting all of said line and inserting in lieu thereof the following: **“4. Notwithstanding the provisions of section 99.845, RSMo, to the”**; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 590**, entitled:

An Act to repeal sections 161.032, 172.287, 173.005, 173.616, 174.450, 174.453, 174.500, and 178.870, RSMo, and to enact in lieu thereof fourteen new sections relating to higher education, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as

amended and House Amendment No. 4.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 2, Line 4, by inserting after said line the following:

“Section 4. Any assets or funds from the proceeds, fees or revenues, however such assets or funds were acquired, of the higher education loan authority established pursuant to section 173.360, RSMo, that are transferred to or used by the state or any department, division, agency or board of the state, shall not be used in connection with any activity prohibited by section 196.1127, RSMo.”; and

Further amend the title, enacting clause and intersectional references of said bill accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 19, Section 2, Line 80, by inserting after all of said amendment the following:

“Section 3. 1. There is hereby created in the state treasury the “Missouri Legacy Fund”, which shall consist of moneys collected under this section. The Missouri higher education savings program board shall administer the fund. The fund may receive moneys from appropriations by the general assembly, transfers from the abandoned fund account established in section 447.543, RSMo, interest receipts, donations, or any other payments made by any public or private entity. Moneys in the fund shall be used solely for the purposes of this section. The state treasurer shall invest moneys in the fund in accordance with rules promulgated under chapter 536, RSMo. Any interest and moneys earned on such investments shall be credited to the fund, and such interest

shall be used solely to provide college financial assistance to participants in Missouri's qualified state tuition program under Section 529 of the Internal Revenue Code of 1986, as amended, and for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

2. Notwithstanding any other provision of law to the contrary, beginning August 28, 2006, and each fiscal year thereafter, the first twenty-two million five hundred thousand dollars of net transfers from the abandoned fund account established in section 447.543, RSMo, shall be transferred to the general revenue fund, and any amount in excess of twenty-two million five hundred thousand dollars shall be transferred from the abandoned fund account to the Missouri legacy fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section 173.858, Line 5 of said Amendment, by inserting immediately after the word “state” the following:

“, located in whole or in part in a city not within a county and having an enrollment of at least seven thousand full time equivalent students” ; and

Further amend said Amendment, Page 2, Section 173.858, Line 10 of said Amendment, by inserting after immediately after all of said Line the following:

“Amend said bill, Section 174.500, Page 16, Line 11, by inserting immediately after all of said

line the following:

‘174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control.

174.703. 1. The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. **The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as proscribed in chapter 304, RSMo.** The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police

officers as prescribed by chapter 590, RSMo, for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, RSMo, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control devices, as defined in section 300.010, RSMo, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, RSMo, with penalty provisions as provided in section 304.570, RSMo. Points assessed against any person under section 302.302, RSMo, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply

only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577, RSMo. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.’
“; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 590, Page 2, Line 3, by deleting the following:

“Or within six months after appointment,”;
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 13, Section 173.616, Line 49, and inserting after all of said line the following:

“173.858. 1. The governing board of any private not-for-profit college or university authorized to do business in this state and which meets the standards of the North Central Association of Colleges and Secondary Schools may appoint and employ as many college or university police officers as it may deem necessary to protect persons, property, and to preserve peace and good order in the buildings, properties, grounds, and other facilities and

locations over which it has charge or control.

2. The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the governing board of the college or university and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment under the seal of the board which certificate shall empower such officer with the same authority to maintain order, preserve peace, and make arrests as is given to peace officers. The college or university police officer may, in addition, expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board. Such officer as may be designated by the board shall have immediate charge, control, and supervision of college police officers appointed by authority of this section. Such college police officers shall, before appointment, or within six months after appointment, be certified peace officers under chapter 590, RSMo. All commissioning of officers shall be under the direction of the director of the Department of Public Safety pursuant to sections 590.010 to 590.050. The reasonable administrative costs of said commissioning shall be born by the private not-for-profit college or university.

3. Nothing in this section shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized in this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Line 10, by inserting after “**March 10, 2006,**” on said line the following:

“Or any similar resolution adopted by the authority”

Further amend said amendment, Page 2, Line 1, by inserting after the word “**issued.**” on said line the following:

“The analysis required by this section shall be a public record and shall be transmitted to the general assembly upon receipt by the authority.”

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Line 4 of the Title, by inserting after the word “provisions” the following:

“, with an emergency clause for a certain section” ; and

Further amend said bill, Page 12, Section 173.270, Line 51 by inserting after said line the following:

“173.450. Prior to any sale, transfer or liquidation of any asset, or agreement to sell, transfer, or liquidate any asset pursuant to a resolution adopted by the Missouri Higher Education Loan Authority on January 31, 2006, and readopted by the authority on March 10, 2006, the authority shall hire an independent firm to conduct an analysis of the financial and legal ramifications of the proposed sale. The financial analysis of the proposed sale shall include an actuarial analysis along with individualized findings as to the effect the proposed sale will have on the authority itself and the effect such sale will have on loan interest rates for current and future student borrowers. The legal analysis shall include

findings as to the effect of the proposed sale on the status and securitization of taxable and tax-exempt bonds issued by the authority, the impact of the proposed sale on the holders of such taxable and tax-exempt bonds, and the legality of the use of funds generated from the sale of tax-exempt bonds for purposes other than those for which the bonds were issued.” ; and

Further amend said bill, Page 19, Section 2, Line 80, by inserting after all of said line the following:

“Section B. Because of the need to provide for timely review, the enactment of section 173.450 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.450 shall be in full force and effect upon its passage and approval.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section A, Line 4, by inserting after all of said line the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational

or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the

recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school

district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. **Within the limits established in subsection 8 of this section,** the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or **any public or private** vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of

said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. For private vocational or technical schools to obtain reimbursements under subsection 6 of this section the following requirements must be satisfied:

(1) Such institutions shall both be members of the north central association and be accredited by the higher learning commission as of July 1, 2006, and maintain such accreditation;

(2) Such institutions shall be designated as 501(c)(3) nonprofit organizations under the Internal Revenue Code of 1986, as amended;

(3) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such community college; and

(4) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment of the United States Constitution.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **HCS for HB 1149**, with **SCS No. 2**, **SS for SCS No. 2** and **SA 5**

(pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Klindt, **SS for SCS No. 2 for HCS for HB 1149** was withdrawn, rendering **SA 5** moot.

SCS No. 2 for HCS for HB 1149 was taken up.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 1, Section A, Line 4, of said page, by inserting after all of said line the following:

“67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and equal rights of other utilities thereto.

227.240. 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, **municipality, public water supply district, sewer district**, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission.

2. A cable television corporation or company

shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.

3. The commission or some officer selected by the commission shall serve a written notice upon the **entity**, person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

4. The commission is authorized in the name of the state of Missouri to institute and maintain,

through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 17, Section 644.589, Line 6, by inserting immediately after all of said line the following:

“701.450. 1. For any facility for which construction commences after August 28, 1995, which is constructed as a place of assembly for public amusement including, but not limited to, sports stadiums and arenas, auditoriums and assembly halls, there shall be provided an equal number of water closets for women as there are the number of water closets and urinals provided for men, and there shall be provided an equal number of diaper changing stations for men as there are the number provided for women.

2. Each facility described in subsection 1 of this section constructed or under construction prior to August 28, 1995, shall provide water closets in the same ratio as required in subsection 1 of this section whenever such facility undergoes major structural renovation.

3. As used in subsection 2 of this section, the term “major structural renovation” means any reconstruction, rehabilitation, addition or other

improvement which required more than fifty percent of the gross floor area of the existing facility to be rebuilt. The provisions of this act shall only apply to such portions of the building being renovated and not to the entire building.

4. Notwithstanding any other provision of this section to the contrary, if any facility described in subsection 1 of this section located in any city not within a county is constructed in compliance with the requirements of the applicable building and plumbing codes of such city related to the minimum number of water closets that are designated for women, such facility shall not be required to comply with the requirements of subsection 1 of this section until one year following the date of its substantial completion.”;

And further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCS No. 2** for **HCS for HB 1149**, as amended, be adopted, which motion prevailed.

Senator Klindt moved that **SCS No. 2** for **HCS for HB 1149**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Gibbons referred **SCS No. 2** for **HCS for HB 1149**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SB 1023**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 1023, as amended, entitled:

An Act to repeal sections 488.5050, 650.050, 650.055, 650.056, 650.057, and 650.100, RSMo, and to enact in lieu thereof seven new sections relating to exoneration using DNA testing, with

penalty provisions.

Was taken up.

Senator Gibbons moved that **HCS for SB 1023**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, **HCS for SB 1023**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Nodler moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 590**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1837**, with **SCS**, entitled:

An Act to repeal sections 383.010, 383.035, 383.079, 383.105, 383.110, 383.115, 383.125, 383.160, and 383.165, RSMo, and to enact in lieu thereof twenty-two new sections relating to malpractice insurance.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for **HCS** for **HB 1837**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1837

An Act to repeal sections 383.010, 383.035, 383.105, and 383.110, RSMo, and to enact in lieu thereof thirteen new sections relating to malpractice insurance.

Was taken up.

Senator Loudon offered **SS** for **SCS** for **HCS** for **HB 1837**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1837

An Act to repeal sections 374.046, 383.010,

383.035, and 383.105, RSMo, and to enact in lieu thereof eighteen new sections relating to malpractice insurance.

Senator Loudon moved that **SS** for **SCS** for **HCS** for **HB 1837** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1837, Page 20, Section 383.016, Line 3, by inserting at the end of said line the following: “**and**”; and

Further amend said bill and section, Page 20, Lines 4 to 8 of said page, by striking said lines and inserting in lieu thereof the following: “**(e) How such assessments apply to members and former members.**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS** for **SCS** for **HCS** for **HB 1837**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **HCS** for **HB 1837**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Wilson—32

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HBs 1270** and **1027**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HBs 1270** and **1027**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 1058**, as amended, and grants the Senate a conference thereon and the House conferees are allowed to exceed the differences on Chapter 420.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 616**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** **No. 2** for **SCS** for **SB 1221**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 805**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 616**, as amended: Senators Stouffer, Alter, Ridgeway, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** **No. 2** for **SCS** for **SB 1221**, as amended: Senators Goodman, Crowell, Bartle, Green and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 805**, as amended: Senators Gross, Crowell, Goodman, Green and Kennedy.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 1058**, as amended: Senators Loudon, Bartle, Rupp, Wheeler and Dougherty.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**.

Emergency clause adopted.

On motion of Senator Shields, the Senate

recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS No. 2** for **HCS** for **HB 1149**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **SCS No. 2** for **HCS** for **HB 1149**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Klindt, **SCS No. 2** for **HCS** for **HB 1149**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senator Dougherty—1

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President Pro Tem declared the bill

passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from the St. Louis Post-Dispatch had been given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Vogel moved that the conference be dissolved on **SB 766**, with **HA 1** and the Senate request the House to recede from its position on **HA 1** and take up and pass **SB 766**, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1698, 1236, 995, 1362 and 1290

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290, with Senate Amendment Nos. 2, 3, 4, 5, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on

Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Matt Bartle	/s/ Scott A. Lipke
/s/ Chris Koster	/s/ Steven Tilley
/s/ Michael R. Gibbons	/s/ Kenny Jones
/s/ Rita Heard Days	/s/ Connie Johnson
/s/ Victor E. Callahan	/s/ Rick Johnson

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Scott assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Bartle, CCS for SS for

SCS for HCS for HBs 1698, 1236, 995, 1362 and 1290, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1698, 1236, 995,
1362 and 1290

An Act to repeal sections 43.650, 217.735, 544.671, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.020, 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 573.010, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof fifty-three new sections relating to sexual offenders, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the

following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Goodman moved that **HCS** for **HB 978**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 978** was again taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 978** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HCS** for **HB 978** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Cauthorn, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 1270** and **1027** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1270 and 1027

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 and 1027, with Senate Amendment No. 2, Senate Amendment No. 5, and Senate Amendment No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 and 1027, as

amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1270 and 1027;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 and 1027, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Cauthorn	/s/ Robert Behnen
/s/ David Klindt	/s/ Robert Thane Johnson
/s/ Charles Shields	/s/ Peter Myers
/s/ Timothy P. Green	/s/ Martin T. Rucker
/s/ Frank A. Barnitz	/s/ Wes Shoemyer

President Kinder assumed the Chair.

Senator Griesheimer assumed the Chair.

Senator Cauthorn moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bartle	Callahan	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Cauthorn, **CCS** for **SCS** for **HCS** for **HBs 1270 and 1027**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NOS. 1270 and 1027

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof two new sections relating to ethanol blend fuel.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bartle	Callahan	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 894**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, with House Amendments Nos 1, 2 and 4, House Amendments Nos. 1 and 2 to House Amendment No. 5, and House Amendment No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 894;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Gary Nodler	/s/ Scott Muschany
/s/ Scott Rupp	/s/ Carl Bearden
/s/ Charlie Shields	/s/ Jane Cunningham
/s/ Rita Heard Days	/s/ Joe Aull
/s/ Yvonne S. Wilson	/s/Michael G. Corcoran

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer

Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Bartle	Green	Purgason—3
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **HCS** for **SS** for **SCS** for **SB 894**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894

An Act to repeal sections 163.011, 163.021, and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof seven new sections relating to education.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Barnitz	Bartle	Green	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **HCS** for **HB 1456**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **HCS** for **HB 1456**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 1058**, as amended. Representatives: Pratt, Flook, Yates, Johnson (90) and Wright-Jones.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS No. 2** for **SCS** for **SB 1221**, as amended. Representatives: Lipke, Bruns, Jones, Roorda and Wright-Jones.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 1306**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1306**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HB 1900**, as amended, and has taken up and passed **CCS** for **SS** for **HCS** for **HB 1900**.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HB 1900**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1900

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 1900, with Senate Substitute Amendment No. 1 for Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 4 as amended, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5 as amended, and Senate Amendment No. 10 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 1900, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No.

1900;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 1900, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles Shields /s/ Tom Dempsey

/s/ Michael R. Gibbons /s/ Bob May

/s/ Delbert Scott /s/ Bryan Pratt

/s/ Timothy P. Green Paul LeVota

/s/ Rita Heard Days Trent Skaggs

Senator Shields moved that the above conference committee report be adopted.

President Pro Tem Gibbons assumed the Chair.

Senator Graham offered a substitute motion that the Senate refuse to adopt the Conference Committee Report and request the House to grant further conference and that the conferees be bound to the language contained in **SA 5**.

Senator Bray offered **SA 1** to the substitute motion offered by Senator Graham, that the conferees be instructed to recede from the Senate position, and adopt the House position, on restoring contribution limits.

Senator Bray moved that **SA 1** to the substitute motion be adopted, which motion failed.

Senator Graham moved that his substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Days and Wilson.

The substitute motion made by Senator Graham failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Days	Dougherty	Graham
Kennedy	Wilson—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Clemens
Crowell	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

President Kinder assumed the Chair.

Senator Shields moved that the Conference Committee Report on **SS** for **HCS** for **HB 1900** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—26		

NAYS—Senators

Barnitz	Bray	Coleman	Dougherty
Graham	Kennedy	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Shields, **CCS** for **SS** for **HCS** for **HB 1900**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1900

An Act to repeal sections 105.470, 105.473,

105.485, 105.957, 105.959, 105.963, 130.011, 130.016, 130.032, 130.046, 130.050, and 130.054, RSMo, and to enact in lieu thereof sixteen new sections relating to ethics, with an effective date.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—28

NAYS—Senators

Bray	Coleman	Dougherty	Graham
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Wilson—5

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Koster moved that **SS** for **SCS** for **SB 825**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 825**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 825

An Act to amend chapter 70, RSMo, by

adding thereto seven new sections relating to the Kansas and Missouri Regional Investment District Compact.

Was taken up.

Senator Koster moved that **HCS** for **SS** for **SCS** for **SB 825**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel

Wilson—29

NAYS—Senator Callahan—1

Absent—Senators

Dougherty	Green	Klindt—3
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Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Koster, **HCS** for **SS** for **SCS** for **SB 825**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Callahan	Purgason	Ridgeway—3
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Absent—Senators

Dougherty	Green	Klindt—3
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Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 696**, as amended, moved that the following conference committee report be taken up.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 696

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 696, with House Amendments Nos. 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, and 24, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 696, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 696;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 696, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Gary Nodler

/s/ Tim Flook

/s/ John E. Griesheimer

/s/ Ronald Richard

/s/ Jack A.L. Goodman

/s/ David Pearce

/s/ Timothy P. Green

/s/ John L. Bowman

/s/ Charles Wheeler

/s/ Fred Kratky

Senator Crowell was recognized to inquire of Senator Nodler.

At the request of Senator Nodler, the motion to take up the Conference Committee Report on **HCS** for **SS** for **SB 696**, as amended, was withdrawn.

HOUSE BILLS ON THIRD READING

HCS for **HB 1485**, with **SCS**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to pregnancy resource centers.

Was called from the Informal Calendar and taken up by Senator Ridgeway.

SCS for **HCS** for **HB 1485**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1485

An Act to repeal sections 135.327 and 135.333, RSMo, and to enact in lieu thereof three new sections relating to tax credits for contributions to centers providing social services.

Was taken up.

Senator Koster assumed the Chair.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 1485** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No.

1485, Page 6, Section 135.630, Line 5, by inserting after the number “(3)” the following:

“Medically and factually accurate”, information supported by the weight of research conducted in compliance with accepted scientific methods and recognized as accurate and objective by leading professional organizations and agencies with relevant expertise in the field.

(4)”; and further renumber the remaining subdivisions accordingly; and

Further amend said bill and section, page 7, line 23 by inserting at the end of said line the following:

“and

(h) Which provides only medically and factually accurate information;”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Scott assumed the Chair.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1485, Page 6, Section 135.630, Line 5, by inserting immediately after the number “(3)” the following:

““Full option counseling centers”, facilities established located in this state which are established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering full option counseling, as defined under 42 CFR 59.5(a)(5), which shall include but not be limited to pregnancy testing, counseling, emotional and material support. Childbirths are not actually performed at such facilities. For purposes of this section, reference to “pregnancy resource centers” shall also include the term “full option counseling centers”;

(4)”; and

Further renumber the remaining subdivisions accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 1485** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HCS** for **HB 1485** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Gibbons referred **HCR 31** and **HCR 23** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS for SCS for SB 616**, as amended. Representatives: Bruns, Wright, Sutherland, Dake and Page.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 915**, entitled:

An Act to amend chapter 393, RSMo, by adding thereto six new sections relating to the green power initiative, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS for SCS for SB 590**, as amended, and grants the Senate a conference thereon and allow the conferees to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS for SS for SCS for SB 590**, as amended. Representatives: Kingery, Bearden, Pearce, Zweifel and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS for HCR 34**.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 34

Whereas, sport fishing is a great industry, recreation, and occupation in Missouri; and

Whereas, hand fishing, which is also referred to as "noodling", for channel, blue, and flathead catfish is one of the ultimate challenges in the arena of sport fishing; and

Whereas, The United States Fish and Wildlife Service survey in 2001 found that there are approximately 467,000 catfish anglers in Missouri over the age of sixteen and by Missouri law, they can catch five flathead fish 365 days a year or 1,825 flathead fish for each permit sold; and

Whereas, Dr. Mark Morgan at the University of Missouri-Columbia conducted a study and found that there are approximately 2,000 hand fishers in Missouri, who are asking the Missouri Department of Conservation to allow them to hand catch five channel, blue, or flathead catfish in a sixty-day statewide season for each permit sold, which would be 0.000012 percent of the available catch of catfish anglers; and

Whereas, the Missouri Department of Conservation is responsible for all Missouri state fishing and game regulations and should provide hand fishers with appropriate information and regulations; and

Whereas, recognizing and respecting the Research Division of the Missouri Department of Conservation, they should continue balanced research on hand fishing for channel, blue, and flathead catfish; and

Whereas, it is the desire for some sport fishers to participate in hand fishing of channel, blue, and flathead catfish in Missouri; and

Whereas, hand fishing is a legalized sport in 12 States, 5 of which surround Missouri; and

Whereas, the legalization of hand fishing is supported by the Missouri Farm Bureau, the Missouri Farmer's Union, MoFED, and the Missouri Trappers Association:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly encourage the Missouri Department of Conservation to have a regulated statewide hand fishing season for channel, blue, and flathead catfish from June first to July thirty-first beginning in 2007 to allow hand fishers to take five of these fish by hand; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copies of this resolution for the Commissioners of the Missouri Department of Conservation.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 590**, as amended: Senators Nodler, Shields, Mayer, Wilson and Days.

PRIVILEGED MOTIONS

Senator Nodler moved that the conferees on **HCS** for **SS** for **SCS** for **SB 590**, as amended, be allowed to exceed the differences, which motion prevailed.

Senator Koster moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 915** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1742**, with **SCS**, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to medical assistance eligibility for certain persons, with an emergency clause and expiration date.

Was called from the Informal Calendar and taken up by Senator Shields.

SCS for **HCS** for **HB 1742**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1742

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to medical assistance eligibility for certain persons, with an emergency clause and expiration date.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HB 1742** be adopted.

Senator Shields offered **SS** for **SCS** for **HCS** for **HB 1742**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1742

An Act to repeal sections 208.151 and 208.640, RSMo, and to enact in lieu thereof five new sections relating to health care, with an emergency clause, and an expiration date.

Senator Shields moved that **SS** for **SCS** for **HCS** for **HB 1742** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 1, In the Title, Line 4, of said title, by inserting immediately after "clause," the following: "penalty provisions,"; and

Further amend said bill, page 3, section 191.006, line 25 of said page, by inserting immediately after said line the following:

"191.900. As used in sections 191.900 to 191.910, the following terms mean:

(1) "Abuse", the infliction of physical, sexual or emotional harm or injury. "Abuse" includes the taking, obtaining, using, transferring, concealing, appropriating or taking possession of property of another person without such person's consent;

(2) "Claim", any attempt to cause a health care payer to make a health care payment;

(3) "False", wholly or partially untrue. A false statement or false representation of a material fact means the failure to reveal material facts in a manner which is intended to deceive a health care payer with respect to a claim;

(4) "Health care", any service, assistance, care, product, device or thing provided pursuant to a medical assistance program, or for which payment is requested or received, in whole or part, pursuant to a medical assistance program;

(5) “Health care payer”, a medical assistance program, or any person reviewing, adjusting, approving or otherwise handling claims for health care on behalf of or in connection with a medical assistance program;

(6) “Health care payment”, a payment made, or the right under a medical assistance program to have a payment made, by a health care payer for a health care service;

(7) “Health care provider”, any person delivering, or purporting to deliver, any health care, and including any employee, agent or other representative of such a person;

(8) “Medical assistance program”, any program to provide or finance health care to recipients which is established pursuant to title 42 of the United States Code, any successor federal health insurance program, or a waiver granted thereunder. A medical assistance program may be funded either solely by state funds or by state and federal funds jointly. The term “medical assistance program” shall include the medical assistance program provided by section 208.151, RSMo, et seq., and any state agency or agencies administering all or any part of such a program;

(9) “Person”, a natural person, corporation, partnership, association or any legal entity.

191.905. 1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater than that which the health care provider or any other health care provider is entitled;

(4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

2. No person shall knowingly solicit or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return for:

(1) Referring another person to a health care provider for the furnishing or arranging for the furnishing of any health care; or

(2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any health care.

3. No person shall knowingly offer or pay any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to refer another person to a health care provider for the furnishing or arranging for the furnishing of any health care.

4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in price obtained by a health care provider if the reduction in price is properly disclosed and appropriately reflected in the claim made by the health care provider to the health care payer, or any amount paid by an employer to an employee for employment in the provision of health care.

5. Exceptions to the provisions of subsections 2 and 3 of this subsection shall be provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended, and

regulations promulgated pursuant thereto.

6. No person shall knowingly abuse a person receiving health care.

7. A person who violates subsections 1 to [4] 3 of this section is guilty of a class [D] C felony upon his **or her** first conviction, and shall be guilty of a class [C] B felony upon his **or her** second and subsequent convictions, **and any natural person who has been convicted of such violations shall be excluded from participation as a provider for the medical assistance program for ten years.** A prior conviction shall be pleaded and proven as provided by section 558.021, RSMo. A person who violates subsection 6 of this section shall be guilty of a class C felony, unless the act involves no physical, sexual or emotional harm or injury and the value of the property involved is less than five hundred dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor. **No person convicted of a second or subsequent violation of subsections 1 to 3 of this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence until he or she has served at least eighty-five percent of any term of imprisonment ordered as punishment. In no event shall an individual receive a suspended imposition of sentence for any violation of subsections 1 to 3 of this section that results in a total loss in excess of fifty thousand dollars. If a person receives a suspended imposition of sentence for a violation of subsections 1 to 3 of this section, then such person shall not receive a suspended imposition of sentence for any subsequent violation of subsections 1 to 3 of this section, regardless of the dollar amount of the total loss from such violation.**

8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of sections 191.900 to

191.910 shall be guilty of a class D felony, and, upon conviction, shall be excluded from participation as a provider for the medical assistance program for ten years.

[8.] 9. Each separate false statement or false representation of a material fact proscribed by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute a separate offense and a separate violation of this section, whether or not made at the same or different times, as part of the same or separate episodes, as part of the same scheme or course of conduct, or as part of the same claim.

[9.] 10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may be presented to demonstrate that a false statement or claim was knowingly made. Such evidence of knowledge may include but shall not be limited to the following:

(1) A claim for a health care payment submitted with the health care provider's actual, facsimile, stamped, typewritten or similar signature on the claim for health care payment;

(2) A claim for a health care payment submitted by means of computer billing tapes or other electronic means;

(3) A course of conduct involving other false claims submitted to this or any other health care payer.

[10.] 11. Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "Medicaid Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys in the Medicaid fraud

reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the “Medicaid Fraud Prosecution Revolving Fund”, which is hereby established in the state treasury. Moneys in the Medicaid fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the Medicaid fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. The provisions of section 33.080, RSMo, notwithstanding, moneys in the Medicaid fraud prosecution revolving fund shall not lapse at the end of the biennium.

[11.] **12.** A person who violates subsections 1 to [4] **3** of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person, except that the court may assess not more than two times the amount of damages

which the state and federal government sustained because of the act of the person, if the court finds:

(1) The person committing the violation of this section furnished personnel employed by the attorney general and responsible for investigating violations of sections 191.900 to 191.910 with all information known to such person about the violation within thirty days after the date on which the defendant first obtained the information;

(2) Such person fully cooperated with any government investigation of such violation; and

(3) At the time such person furnished the personnel of the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

[12.] **13.** Upon conviction pursuant to this section, the prosecution authority shall provide written notification of the conviction to all regulatory or disciplinary agencies with authority over the conduct of the defendant health care provider.

[13.] **14.** The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the Medicaid fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the Medicaid fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be

brought if restitution and civil penalties provided by subsections [10 and] 11 and 12 of this section have been previously ordered against the person for the same cause of action.

191.907. 1. Any person may bring a civil action in the name of the state to recover losses that the state suffers from a violation of sections 191.900 to 191.910. In an action brought under this section, a person who violates subsection 1 to 3 of section 191.905 is liable as provided by subsection 12 of section 191.905. The amount of any civil penalty assessed by the court under this section shall be reduced by the amount of any civil monetary penalty which the person establishes that he or she has paid under the laws of the United States for a violation of 31 U.S.C. section 3729, et seq., as long as such violation is based on the same underlying facts upon which the state action was brought. At the time of filing the complaint, the person shall deliver a copy of the complaint and written disclosure of all material evidence and information the person possesses to the state attorney general. The complaint shall be filed in camera, shall remain under seal for at least one hundred and twenty days, and shall not be served upon the defendant until the court so orders. The attorney general may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information. During the period in which the complaint is under seal, the attorney general may elect to initiate discussions with the accused provider in an attempt to facilitate a resolution of the claim prior to the commencement of judicial proceedings.

2. The attorney general may, for good cause shown, move the court for an extension of the time during which the complaint remains under seal, as provided by subsection 1 of this section. Any such motion may be supported by affidavits or other submissions in camera.

3. Before the expiration of the one hundred and twenty day period or any extensions obtained under subsection 2 of this section, the attorney general shall:

(1) Notify the court and the person initiating the action that it will proceed with the action, in which case the action shall be conducted by the attorney general; or

(2) Notify the court that it declines to take over the action, in which case the action shall be dismissed, notwithstanding any objection by the person initiating the action.

4. When a person files an action under this section, no person other than the attorney general shall intervene or bring a related action based on the facts underlying the pending action.

5. If the attorney general elects to proceed with the action, he or she shall have the primary responsibility for conducting the action, and shall not be bound by any act of the person initiating the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in subsection 8 of this section.

6. The attorney general may voluntarily dismiss the action notwithstanding the objections of the person initiating the action, but only if that person has been notified of and offered the opportunity to participate in a hearing on the motion to dismiss.

7. The attorney general may settle the action, notwithstanding the objections of the person initiating the action, but only if that person has been notified of and offered the opportunity to participate in a hearing on the settlement, and if the court determines that the settlement is fair, adequate, and reasonable under the circumstances.

8. Upon a showing by the attorney general that unrestricted participation during the course of the litigation by the person initiating

the action would interfere with or unduly delay the attorney general's prosecution of the case, or would be repetitious, irrelevant, or unduly harassing, the court may, in its discretion, impose limitations on the person's participation, such as:

(1) Limiting the number of witnesses the person may call;

(2) Limiting the length of the testimony of witnesses;

(3) Limiting the person's cross-examination of witnesses; or

(4) Otherwise limiting the participation by the person in the litigation.

Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be unduly harassing, or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

9. Upon a showing, conducted in camera, that actions of the person initiating the action during discovery would interfere with the attorney general's investigation or prosecution of a criminal or civil matter, the court may stay the discovery by the person initiating the action for not more than sixty days. The court may extend the stay upon a further showing that the attorney general is pursuing the investigation or proceeding with reasonable diligence and the discovery would interfere with the ongoing investigation or proceeding.

10. As an alternative to an action authorized by this section, the attorney general may pursue a violation of sections 191.900 to 191.910 through any alternate proceeding available to this state. If the attorney general pursues an alternate proceeding, a person who initiated an action under this section shall have equivalent rights in that proceeding to the rights that the person would have had if the

action had continued under this section. Findings of fact and conclusions of law that become final in an alternative proceeding shall become conclusive on the parties to an action under this section. For the purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court, if the time for filing an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

11. If the party initiating an action filed under this section prevails in the action, the court shall award such person necessary expenses, costs, and, based on the amount of effort involved, the court shall award such person fifteen to twenty-five percent of the monetary proceeds resulting from the action or any settlement of the claim.

12. If the court finds an action under this section to be based primarily on disclosure of specific information that was not provided by the person initiating the action, such as information from a criminal, civil, or administrative hearing in a state or federal department or agency, a legislative report, hearing, audit, or investigation, or the news media, and the attorney general proceeds with the action, the court shall award the person initiating the action no more than ten percent of the monetary recovery in addition necessary expenses, and costs.

13. If the court finds that the person initiating an action under this section planned, initiated, or participated in the conduct upon which the action is brought, the court may reduce or eliminate, as it considers appropriate, the share of the proceeds of the action that the person would otherwise be entitled to receive. A person who is convicted of criminal conduct arising from a violation of sections 191.900 to 191.910 shall not initiate or remain a party to an action under this section and is not entitled to

share in the monetary proceeds resulting from the action or any settlement under this section.

14. A person other than the attorney general shall not bring an action under this section that is based on allegations or transactions that are already the subject of a civil suit, criminal investigation or prosecution, or an administrative investigation or proceeding to which the state or the federal government is already a party. The court shall dismiss an action brought in violation of this subsection.

15. Unless the person is the original source of the information, a person, other than the attorney general, shall not initiate an action under this section based on the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing in a state or federal department or agency, a legislative report, hearing, audit, or investigation, or the news media. The person is the original source if he or she had direct and independent knowledge of the information on which the allegations are based and voluntarily provided the information to the attorney general as part of the filing of an action based on that information under this section.

16. The attorney general shall not be liable for any expenses, costs, or attorney's fees that a person incurs in bringing an action under this section. Any amount awarded to a person initiating an action to enforce sections 191.900 to 191.910 is payable solely from the proceeds of the action or settlement.

17. The attorney general shall establish guidelines for enforcing and implementing the provisions of this section. Such guidelines shall be modeled upon the standards established by the "Guidance on the Use of the Civil False Claims Act in Civil Health Care Matters" issued by the United States Department of Justice on June 3, 1998, including any revisions to the standards. In developing such guidelines, the attorney general may solicit comments from

health care providers.

18. Venue for an action brought under this section shall be in Cole County.

19. An action brought under this section shall not be brought more than five years after the date on which the violation was committed.

20. Nothing within this section shall be deemed to alter the statutes of limitations provided in section 516.105, RSMo, or section 537.100, RSMo.

191.908. 1. An employer shall not discharge, demote, suspend, threaten, harass, or otherwise discriminate against an employee in the terms and conditions of employment because the employee initiates, assists in, or participates in a proceeding or court action under section 191.900 to 191.910. Such prohibition shall not apply to an employment action against an employee who:

(1) The court finds brought a frivolous or clearly vexatious claim;

(2) The court finds to have planned, initiated, or participated in the conduct upon which the action is brought; or

(3) Is convicted of criminal conduct arising from a violation of sections 191.900 to 191.910.

2. An employer who violates this section is liable to the employee for all of the following:

(1) Reinstatement to the employee's position without loss of seniority;

(2) Two times the amount of lost back pay;

(3) Interest on the back pay;

(4) Compensation for any special damages;

(5) Any other relief necessary to make an employee whole.

191.909. 1. By January 1, 2007, and annually thereafter, the attorney general's office shall report to the general assembly and the governor the following:

(1) The number of provider investigations due to allegations of violations under sections 191.900 to 191.910 conducted by the attorney general's office and completed within the reporting year, including the age and type of cases;

(2) The number of referrals due to allegations of violations under sections 191.900 to 191.910 received by the attorney general's office;

(3) The total amount of overpayments identified as the result of completed investigations;

(4) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(5) The total amount of monetary recovery as the result of completed investigations;

(6) The total number of arrests, indictments, and convictions as the result of completed investigations.

An annual financial audit of the Medicaid fraud unit within the attorney general's office shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.

2. By January 1, 2007, and annually thereafter, the department of social services shall report to the general assembly and the governor the following:

(1) The number of medicaid provider and recipient investigations and audits relating to allegations of violations under sections 191.900 to 191.910 completed within the reporting year, including the age and type of cases;

(2) Number of medicaid long-term care facility reviews;

(3) Number of medicaid provider and recipient utilization reviews;

(4) The number of referrals sent by the department to the attorney general's office;

(5) The total amount of overpayments identified as the result of completed investigations, reviews, or audits;

(6) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(7) The total amount of monetary recovery as the result of completed investigation, reviews, or audits;

(8) The number of administrative sanctions against medicaid providers, including the number of providers excluded from the program.

An annual financial audit of the program integrity unit within the department of social services shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.

191.910. 1. The attorney general shall have authority to investigate alleged or suspected violations of sections 191.900 to 191.910, and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with investigations of alleged or suspected violations of sections 191.900 to 191.910, as if the acts enumerated in subsections 1 to 3 of section 191.905 are unlawful acts proscribed by chapter 407, RSMo, provided that if the attorney general exercises such powers, the provisions of section 407.070, RSMo, shall

also be applicable; and may exercise all of the powers provided by subsections 1 and 2 of section 578.387, RSMo, in connection with investigations of alleged or suspected violations of sections 191.900 to 191.910, as if the acts enumerated in subsections 1 to 3 of section 191.905 involve “public assistance” as defined by section 578.375, RSMo. The attorney general and his **or her** authorized investigators shall be authorized to serve all subpoenas and civil process related to the enforcement of sections 191.900 to 191.910 and chapter 407, RSMo. [In order for the attorney general to commence a state prosecution] For violations of sections 191.900 to 191.910, the attorney general shall prepare and forward a report of the violations to the appropriate prosecuting attorney. Upon receiving a referral, the prosecuting attorney shall either commence a prosecution based on the report by the filing of a complaint, information, or indictment within sixty days of receipt of said report or shall file a written statement with the attorney general explaining why criminal charges should not be brought. This time period may be extended by the prosecuting attorney with the agreement of the attorney general for an additional sixty days. If the prosecuting attorney commences a criminal prosecution, the attorney general or his designee shall be permitted by the court to participate as a special assistant prosecuting attorney in settlement negotiations and all court proceedings, subject to the authority of the prosecuting attorney, for the purpose of providing such assistance as may be necessary. If the prosecuting attorney fails to commence a prosecution and fails to file a written statement listing the reasons why criminal charges should not be brought within the appropriate time period, or declines to prosecute on the basis of inadequate office resources, the attorney general shall have authority to commence prosecutions for violations of sections 191.900 to 191.910. In cases where a defendant pursuant to a common scheme or plan has committed acts which constitute or would constitute violations of sections 191.900 to

191.910 in more than one state, the attorney general shall have the authority to represent the state of Missouri in any plea agreement which resolves all criminal prosecutions within and without the state, and such agreement shall be binding on all state prosecutors.

2. In any investigation, hearing or other proceeding pursuant to sections 191.900 to 191.910, any record in the possession or control of a health care provider, or in the possession or control of another person on behalf of a health care provider, including but not limited to any record relating to patient care, business or accounting records, payroll records and tax records, whether written or in an electronic format, shall be made available by the health care provider to the attorney general or the court, and shall be admissible into evidence, regardless of any statutory or common law privilege which such health care provider, record custodian or patient might otherwise invoke or assert. The provisions of section 326.151, RSMo, shall not apply to actions brought pursuant to sections 191.900 to 191.910. The attorney general shall not disclose any record obtained pursuant to this section, other than in connection with a proceeding instituted or pending in any court or administrative agency. The access, provision, use, and disclosure of records or material subject to the provisions of 42 U.S.C. section 290dd-2 shall be subject to said section, as may be amended from time to time, and to regulations promulgated pursuant to said section.

3. **A health care provider shall maintain adequate records necessary to fully disclose the nature of the health care for which a claim was submitted or payment was received under a medical assistance program, or such records as are necessary to fully disclose all income and expenditures upon which rates of payment were based under a medical assistance program. Upon submitting a claim for or upon receiving payment for health care under a medical assistance program, a health care provider shall maintain adequate records for at least five years**

after the date on which payment was received, if payment was received, or for five years after the date on which the claim was submitted, if payment was not received. Any provider who fails to maintain adequate records as provided by this subsection shall be guilty of a class A misdemeanor.

4. No person shall knowingly destroy or conceal such records as are necessary to fully disclose the nature of the health care for which a claim was submitted or payment was received under a medical assistance program, or such records as are necessary to fully disclose all income and expenditures upon which rates of payment were based under a medical assistance program. Upon submitting a claim for or upon receiving payment for health care under a medical assistance program, a person shall not destroy or conceal any records for five years after the date on which payment was received, if payment was received, or for five years after the date on which the claim was submitted, if payment was not received. Any provider who knowingly destroys or conceals such records shall be guilty of a class D felony.

5. Sections 191.900 to 191.910 shall not be construed to prohibit or limit any other criminal or civil action against a health care provider for the violation of any other law. Any complaint, investigation or report received or completed pursuant to sections 198.070 and 198.090, RSMo, subsection 2 of section 205.967, RSMo, sections 375.991 to 375.994, RSMo, section 578.387, RSMo, or sections 660.300 and 660.305, RSMo, which indicates a violation of sections 191.900 to 191.910, shall be referred to the attorney general. A referral to the attorney general pursuant to this subsection shall not preclude the agencies charged with enforcing the foregoing sections from conducting investigations, providing protective services or taking administrative action regarding the complaint, investigation or report referred to the attorney general, as may be provided by such sections; provided that all material developed by

the attorney general in the course of an investigation pursuant to sections 191.900 to 191.910 shall not be subject to subpoena, discovery, or other legal or administrative process in the course of any such administrative action. Sections 191.900 to 191.910 take precedence over the provisions of sections 198.070 and 198.090, RSMo, subsection 2 of section 205.967, RSMo, sections 375.991 to 375.994, RSMo, section 578.387, RSMo, and sections 660.300 and 660.305, RSMo, to the extent such provisions are inconsistent or overlap.

191.914. 1. Any person who intentionally files a false report or claim alleging a violation of sections 191.900 to 191.910 shall be guilty of a class D felony.

2. It shall be a class D felony for any person to receive any compensation in exchange for knowingly failing to report any violation of subsections 1 to 3 of section 191.905.”; and

Further amend said bill, page 22, section 208.640, line 19 of said page, by inserting immediately after said line the following:

“Section 1. 1. Beginning September 1, 2006, an advisory working group is hereby created for the purpose of conducting a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter identify fraud, abuse, and illegal acts. The working group shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state. The advisory working group shall consist of the following:

- (1) Five members of the house of representatives appointed by the speaker; and**
- (2) Five members of the senate appointed**

by the pro tem.

No more than three members from each house shall be of the same political party. The directors of the department of social services, the department of health and senior services, and the department of mental health or the directors' designees shall serve as ex officio members of the advisory working group.

2. Members of the advisory working group shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties.

3. A chair of the advisory working group shall be selected by the members of the advisory working group.

4. The advisory working group shall meet as necessary.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 21, Section 208.640, Line 18, by striking the following: “that cover all pre-existing conditions”; and insert in lieu thereof the following: “, **except for health insurance plans that do not cover an eligible child's pre-existing condition**”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Engler offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 22, Section 208.640, Line 19, of said page by inserting

after all of said line the following:

“208.930. 1. As used in this section, the term “department” shall mean the department of health and senior services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900 through 208.927, to each person [who was participating as a non-Medicaid eligible client pursuant to sections 178.661 through 178.673, RSMo, on June 30, 2005, and] who:

(1) Makes application to the department;

(2) Demonstrates financial need and eligibility under subsection 3 of this section;

(3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;

(4) Has been found by the department of social services not to be eligible to participate under guidelines established by the Medicaid state plan; and

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state's current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be

based on the adjusted gross income **of the person seeking financial assistance and such person's spouse** and the assets of the person seeking financial assistance and such person's spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section [and such person's spouse must] **shall** have an adjusted gross income, less disability-related, medical, **and reasonable living** expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level **and, if married, shall not have a combined adjusted gross income of more than one hundred twenty-five thousand dollars.** The adjusted gross income shall be based on [the most recent income tax return] **the documentation listed in subsection 4 of this section.**

(3) No person seeking financial assistance for personal care services under this section and such person's spouse shall have assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the [applicant's spouse,] **applicants' spouses** and consumers and the [consumer's spouse] **consumers' spouses** to provide documentation **for assets. The department shall require applicants and consumers to provide documentation** for income[, assets,] and disability-related, medical, **and reasonable living** expenses, **as determined by the department,** for the purpose of determining financial need and eligibility for the program. [In addition to the most recent income tax return,] Such documentation may include, but shall not be limited to:

(1) **Most recent income tax return for the applicant and the applicant's spouse and the consumer and the consumer's spouse;**

(2) Current wage stubs for the applicant or consumer [and the applicant's or consumer's spouse];

[(2)] (3) A current W-2 form for the applicant or consumer [and the applicant's or consumer's

spouse];

[(3)] (4) Statements from the applicant's or consumer's [and the applicant's or consumer's spouse's] **employer or employers;**

[(4)] (5) Wage matches with the division of employment security;

[(5)] (6) Bank statements; and

[(6)] (7) Evidence of disability-related, medical, **and reasonable living** expenses, **as determined by the department,** and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to [the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's adjusted gross income for the year involved] **the following:**

(1) **For adjusted gross incomes below one hundred fifty percent of the federal poverty level, no monthly premium;**

(2) **For adjusted gross incomes between one hundred fifty and one hundred eighty-five percent of the federal poverty level, one percent of adjusted gross income;**

(3) **For adjusted gross incomes between one hundred eighty-five and two hundred twenty-five percent of the federal poverty level, three percent of adjusted gross income;**

(4) **For adjusted gross incomes between two hundred twenty-five and three hundred percent of the federal poverty level, five percent of**

adjusted gross income.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within [ten] **thirty** days of receiving the letter and to provide income and disability-related, medical, **and reasonable living** expense verification documentation. If the department does not receive

the consumer's response and documentation within the [ten-day] **thirty-day** period, the department shall send a letter notifying the consumer that he or she has [ten] **thirty** days to file an appeal or the case will be closed.

(3) The department shall require the consumer [and the consumer's spouse] to provide **verification** documentation for income and disability-related, medical [expense verification], **and reasonable living expenses as determined by the department** for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in section 208.080.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule

or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, [2006] **2008.**"; and

Further amend said bill, page 23, section C, line 4 of said page by striking "and" and inserting in lieu thereof the following: ","; and further amend line 5 of said page by inserting immediately after "191.990," the following: "and 208.930"; and further amend line 8 of said page by striking "and" and inserting in lieu thereof the following: ","; and further amend line 9 of said page by inserting immediately after "191.990," the following: "and 208.930"; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 22, Section 208.640, Line 19, of said page, by inserting immediately after said line the following:

"208.930. 1. As used in this section, the term "department" shall mean the department of health and senior services.

2. Subject to appropriations, the department

may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900 through 208.927, to each person who was participating as a non-Medicaid eligible client pursuant to sections 178.661 through 178.673, RSMo, on June 30, 2005, and who:

(1) Makes application to the department;

(2) Demonstrates financial need and eligibility under subsection 3 of this section;

(3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;

(4) Has been found by the department of social services not to be eligible to participate under guidelines established by the Medicaid state plan; and

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, "access to affordable employer-sponsored health care insurance or other affordable health care coverage" refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income **of the person seeking financial assistance and such person's spouse**, and the assets of the person seeking financial assistance and such person's spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section [and such person's spouse must] **shall** have

an adjusted gross income, less **medical expenses and** disability-related [medical] expenses[, as] approved by the department, that is equal to or less than three hundred percent of the federal poverty level **except, if married, the combined adjusted gross income shall not exceed seventy-five thousand dollars.** The adjusted gross income shall be based on [the most recent income tax return] **the documentation listed in subsection 4 of this section.**

(3) **When determining adjusted gross income, each applicant or consumer seeking financial assistance for personal care services under this section shall be allowed to exempt, from consideration in eligibility determination, verifiable living expenses up to the SSI maximum.**

(4) No person seeking financial assistance for personal care services under this section [and] **or** such person's spouse shall have **combined** assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the applicant's spouse, and consumers and the consumer's spouse to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. [In addition to the most recent income tax return,] Such documentation may include, but shall not be limited to:

(1) **Most recent income tax return for the applicant and the applicant's spouse and the consumer and the consumer's spouse;**

(2) Current wage stubs for the applicant or consumer and the applicant's or consumer's spouse;

[(2)] (3) A current W-2 form for the applicant or consumer and the applicant's or consumer's spouse;

[(3)] (4) Statements from the applicant's or consumer's and the applicant's or consumer's spouse's employers;

[(4)] (5) Wage matches with the division of

employment security;

[(5)] (6) Bank statements; and

[(6)] (7) Evidence of disability-related medical expenses and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to [the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's adjusted gross income for the year involved] **the following:**

(1) **For adjusted gross incomes below one hundred fifty percent of the federal poverty level, no monthly premium;**

(2) **For adjusted gross incomes between one hundred fifty and one hundred eighty-five percent of the federal poverty level, one percent of adjusted gross income;**

(3) **For adjusted gross incomes between one hundred eighty-five and two hundred twenty-five percent of the federal poverty level, three percent of adjusted gross income;**

(4) **For adjusted gross incomes between two hundred twenty-five and three hundred percent of the federal poverty level, five percent of adjusted gross income.**

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such

person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within [ten] **thirty** days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer's response and documentation within the [ten-day] **thirty-day** period, the department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the **applicant or applicant's spouse or** consumer and [the] consumer's spouse to provide **verification** documentation for income, **assets, medical**

expenses, and disability-related [medical expense verification] **expenses approved by the department**, for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of [social services] **health and senior services** if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of [social services] **health and senior services** in writing in the form prescribed by the department of [social services] **health and senior services** within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in [section 208.080] **chapter 536, RSMo**.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if

applicable, section 536.028, RSMo. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, [2006] **2008.**"; and

Further amend said bill, page 23, section C, line 10 of said page, by inserting immediately after said line the following:

"Section B. Because immediate action is necessary to ensure continued financial assistance for personal care services, the repeal and reenactment of section 208.930 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 208.930 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gross offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 6, Section 191.990, Line 16, by inserting immediately after all of said line, the following:

"8. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section, beginning

January first of the current fiscal year, into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section."; and

Further renumber the remaining subsections accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **HCS** for **HB 1742**, as amended, be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Shields, **SS** for **SCS** for **HCS** for **HB 1742**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Rupp	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senator Ridgeway—1

Absent—Senators

Klindt Purgason—2

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Rupp	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senator Ridgeway—1

Absent—Senators

Klindt Purgason—2

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Ridgeway moved that the Senate refuse to adopt the Conference Committee Report on **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended, and request the House to grant a further conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 915** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 990**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 990, Page 1, Section A, Line 2, by inserting after all of said line the following:

“227.308. The portion of highway H located within the county of the third classification without a township form of government and with more than fourteen thousand nine hundred but fewer than fifteen thousand inhabitants from the intersection of highway 72 to the intersection of highway DD shall be named the “Deputy Joann Barnes Memorial Highway”. The costs for such designation shall be paid for by private donations.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 31**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, Missouri's long-standing agriculture tradition continues to thrive and contribute to our economy and to our families; and

WHEREAS, the state of Missouri has maintained a robust and lucrative agriculture culture, frequently ranking in the top ten among states with regard to the number of operating farms, hay, cotton, and corn production, cattle, hog and turkey production, and more; and

WHEREAS, the economic benefits from these agricultural operations are profoundly important to our communities, to our state, and to our nation; and

WHEREAS the farm family is the backbone of our state, as we, a legislative body, do swear to uphold and promote our farming

community and protect the freedoms we share; and

WHEREAS, with the introduction of the Missouri Animal ID Program, a coordinated effort between the Missouri Department of Agriculture and the United States Department of Agriculture (USDA), the issues of food security and personal freedom became a reality for Missouri agriculture producers; and

WHEREAS, the USDA National Animal Identification System (NAIS) is currently and should remain a voluntary program with regard to animal identification programs and marketing practices; and

WHEREAS, the members of the Missouri General Assembly oppose such animal identification programs being mandatory:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Department of Agriculture to continue the National Animal Identification System program as a voluntary program to allow agricultural families to direct their own future; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Department of Agriculture and the Missouri Department of Agriculture.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 915**. Representatives: Rector, Emery, Schad, Darrough and Harris (110).

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 915**, as amended: Senators Koster, Klindt, Cauthorn, Wilson and Dougherty.

President Pro Tem Gibbons appointed the following conferee change to **HCS** for **SS** for **SCS** for **SB 590**, as amended: Senator Cauthorn to replace Senator Shields.

CONFERENCE COMMITTEE REPORT

Senator Koster, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 915** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 915

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 915 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 915;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 915;
3. That the attached Conference Committee Substitute for Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 915, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Chris Koster

/s/ Rex Rector

/s/ John Cauthorn

/s/ Rodney Schad

/s/ David G. Klindt

/s/ Ed Emery

/s/ Patrick Dougherty

Belinda Harris, 110

/s/ Yvonne Wilson

Bruce Darrough

Senator Koster moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter

Barnitz

Bartle

Bray

Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—31	

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 616** moved that the following conference committee report be taken up, which motion prevailed.

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Koster, **CCS** for **HCS** for **SCS** for **SB 915**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 915

An Act to amend chapter 393, RSMo, by adding thereto five new sections relating to the green power initiative, with an effective date.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, with House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, and House Amendment No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 616;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Stouffer

/s/ Bill Alter

/s/ Luann Ridgeway

/s/ Joan Bray

Timothy Green

FOR THE HOUSE:

/s/ Mark Bruns

Mark Wright

/s/ Mike Sutherland

/s/ Charles A. Dake

/s/ Sam Page

Senator Stouffer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Green Rupp—2

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Stouffer, **CCS** for **HCS** for **SCS** for **SB 616**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 616

An Act to repeal sections 198.006, 198.073, and 198.087, RSMo, and to enact in lieu thereof five new sections relating to assisted living facilities.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Mayer Rupp—2

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730** moved that the following conference committee report no. 2 be taken up.

CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 and 730

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, with House Amendment Nos. 1 and 3 to House Amendment No. 1, House Amendment No. 1, as amended, House

Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Delbert Scott /s/ Bryan P. Stevenson

/s/ Michael R. Gibbons /s/ Bob May

/s/ Carl Vogel /s/ Ryan Silvey

Victor Callahan Margaret Donnelly

Maida Coleman Wes Wagner

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott /s/ Michael R. Gibbons

/s/ Charlie Shields /s/ Chris Koster

/s/ Gary Nodler /s/ David G. Klindt

/s/ Dan Clemens /s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The conference committee report no. 2 on **HCS for SS No. 2 for SCS for SBs 1014 and 730** was taken up by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Scott moved that **CCR No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730** be adopted.

Senator Scott submitted the following:

Motion for the Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott	/s/ Michael R. Gibbons
/s/ Charlie Shields	/s/ Chris Koster
/s/ Gary Nodler	/s/ David G. Klindt
/s/ Chuck Purgason	/s/ Matt Bartle
/s/ Dan Clemens	/s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The conference committee report no. 2 on **HCS for SS No. 2 for SCS for SBs 1014 and 730** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Scott moved that **CCS No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730**, entitled:

CONFERENCE COMMITTEE
SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 and 730

An Act to repeal sections 115.105, 115.124, 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, and 115.631, RSMo, and to enact in lieu thereof twenty-two new sections relating to election administration, with penalty provisions and an emergency clause for a certain section.

Be read the 3rd time and passed.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott	/s/ Michael R. Gibbons
/s/ Charlie Shields	/s/ Chris Koster
/s/ Gary Nodler	/s/ David G. Klindt
/s/ Dan Clemens	/s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

CCS No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730 was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

Senator Scott moved the adoption of the emergency clause.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate.

Shall the Main question be now put?

Signed:

/s/ Delbert Scott /s/ Michael R. Gibbons

/s/ Charlie Shields /s/ Chris Koster

/s/ Gary Nodler /s/ David G. Klindt

/s/ Dan Clemens /s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
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Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Title to the bill was agreed to by the following vote:

Absent—Senators—None

YEAS—Senators

Absent with leave—Senator Wheeler—1

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Vacancies—None

Senator Scott moved the title to the bill be agreed to.

Senator Scott submitted the following:

NAYS—Senators

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Shall the Main question be now put?

Signed:

/s/ Delbert Scott	/s/ Michael R. Gibbons
/s/ Charlie Shields	/s/ Chris Koster
/s/ Dan Clemens	/s/ Gary Nodler
/s/ Jason Crowell	

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Scott moved that the vote by which the bill passed be reconsidered.

The motion to move the previous question was adopted by the following vote:

Senator Shields moved that motion lay on the table, which motion prevailed.

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Senator Coleman requested the Journal reflect that the Chair had refused to recognize her for a point of order.

RESOLUTIONS

Senator Green offered Senate Resolution No. 3106, regarding Nicholas Cammarata, which was adopted.

Senator Scott offered Senate Resolution No. 3107, regarding Joe Dodson, which was adopted.

Senator Klindt offered Senate Resolution No. 3108, regarding Zachary A. Kerns, Savannah, which was adopted.

Senator Griesheimer offered Senate Resolution No. 3109, regarding Theodore Benhardt, Villa Ridge, which was adopted.

Senator Champion offered Senate Resolution

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

No. 3110, regarding John Youngblood, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 3111, regarding Zachary Loeffler, Springfield, which was adopted.

Senator Vogel offered Senate Resolution No. 3112, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kennard Autenrieth, Tebbetts, which was adopted.

Senator Rupp offered Senate Resolution No. 3113, regarding Daniel Phipps, Wentzville, which

was adopted.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Christopher Young, M.D., Ladue.

Senator Goodman introduced to the Senate, his father-in-law and mother-in-law, Paul and Darlene Hood, Miller.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTY-SECOND DAY—FRIDAY, MAY 12, 2006

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1581 (Champion)
(In Fiscal Oversight)

HCS for HB 1078, with SCS (Loudon)
(In Fiscal Oversight)

HB 1884-Behnen (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS
for SCS (pending)

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS & SA 3

(pending)

SB 642-Scott

SB 655-Nodler, with SCS

SBs 665 & 757-Engler, with SCS & SA 1

(pending)

SB 687-Scott and Bartle, with SCS
 SB 736-Crowell and Cauthorn, with SCS
 SB 759-Engler
 SB 816-Griesheimer and Coleman, with SCS
 & SS#2 for SCS (pending)
 SB 817-Scott, et al
 SB 841-Ridgeway, et al, with SCS
 SB 849-Mayer, et al, with SS, SA 6 &
 SA 1 to SA 6 (pending)
 SB 862-Engler, with SCS

SB 998-Champion, with SCS
 SB 1009-Klindt, with SS (pending)
 SB 1038-Mayer
 SB 1049-Shields, with SCS
 SB 1092-Klindt, with SCS
 SB 1104-Cauthorn and Klindt, with SCS
 SB 1114-Goodman & Loudon, with SCS
 SB 1188-Gibbons
 SB 1217-Goodman
 SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HB 994-Dusenberg, et al (Cauthorn)
 HCS for HBs 1030, 1033, 1146, 1225 &
 1326, with SCS, SS for SCS & SA 16
 (pending) (Bartle)
 HB 1035-Young (49), et al (Callahan)
 HCS for HB 1059 (Nodler)
 HCS for HB 1075, with SCS (Nodler)
 HCS for HB 1092, with SCS (Ridgeway)
 HB 1105-Wilson (119), et al (Scott)
 HB 1118-Dempsey, et al, with SCS#2
 (Shields)
 HCS for HB 1137, with SCS (Klindt)
 HCS for HBs 1145, 1359 & 1121 (Scott)
 HCS for HB 1275, with SS, SA 4 &
 points of order (pending) (Goodman)
 HB 1302-Cooper (155), et al (Ridgeway)
 HCS for HB 1317 (Goodman)
 HCS for HB 1349, with SCS (Clemens)
 HCS for HB 1397 (Goodman)
 HB 1411-Smith (150), et al, with SCS
 (Scott)

HB 1446-Whorton, et al (Barnitz)
 HB 1504-Yates, with SCS (Loudon)
 HB 1521-Richard, et al (Griesheimer)
 HCS for HB 1532, with SCS (Griesheimer)
 HCS for HB 1534 (Bartle)
 HB 1619-Sutherland, et al, with SCS
 (Gibbons)
 HB 1623-St. Onge, et al, with SS, SA 1 &
 points of order (pending) (Stouffer)
 HCS for HB 1632, with SCS (Engler)
 HB 1728-Rector, et al, with SCS (Klindt)
 HCS for HB 1767, with SCS (Bartle)
 HB 1864-Nolte, et al, with SS (pending)
 (Alter)
 HB 1905-Jetton, et al (Champion)
 HB 1936-Tilley, with SCS (pending)
 (Stouffer)
 HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HCS for HB 1511, with SCS (Shields)

HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)

HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)

HB 1424-Franz (Purgason)

HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)

HCS for HB 1037 (Klindt)

HB 1144-May, et al (Clemens)

HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)

HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)

HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 990-Vogel, with HCA 1

SB 1124-Shields, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 590-Nodler, with HCS
as amendedSCS for SB 616-Stouffer, with HCS, as
amended(Senate adopted CCR and
passed CCS)SCS for SB 666-Engler, with HCS, as
amended(Senate adopted CCR and
passed CCS)SS for SB 696-Nodler, with HCS, as
amended

SCS for SB 756-Clemens, with HCS
 (Senate adopted CCR and passed CCS)
 SCS for SB 773-Cauthorn and Barnitz,
 with HCS, as amended
 SB 805-Gross, with HCS, as amended
 SS for SCS for SB 832-Griesheimer, with
 HCS, as amended
 SS for SCS for SB 894-Nodler, with HCS,
 as amended
 (Senate adopted CCR and passed CCS)
 SS for SCS for SB 904-Griesheimer, with
 HCS, as amended
 SCS for SB 915-Koster, et al, with HCS
 (Senate adopted CCR and passed CCS)
 SCS for SB 932-Scott, with HCS
 (Senate adopted CCR#2 and passed CCS#2)
 SCS for SBs 1001, 896 & 761-Griesheimer,
 with HCS, as amended
 (Senate adopted CCR and passed CCS)

SS#2 for SCS for SBs 1014 & 730-Scott,
 with HCS, as amended
 (Senate adopted CCR#2 and passed CCS#2)
 SB 1017-Clemens, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SS for SB 1058-Loudon, with HCS, as
 amended
 SCS for SB 1221-Goodman, with HCS#2, as
 amended
 HCS for HB 1022, with SCS, as amended
 (Gross)
 HCS for HB 1306, with SS for SCS, as
 amended (Crowell)
 (House adopted CCR and passed CCS)
 HCS for HB 1456, with SS#2 for SCS, as
 amended (Ridgeway)
 (Senate requests House grant
 further conference)

Requests to Recede or Grant Conference

SB 766-Vogel, with HA 1
 (Senate requests House recede
 and take up and pass the bill)
 SB 818-Scott, with HA 2, as amended
 (Senate requests House recede
 and take up and pass the bill)

HB 1865-Bearden, et al, with SCS, as
 amended (Shields)
 (Senate requests House recede
 and pass the bill or grant
 further conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross
 HCR 25-Bowman, et al (Days)
 HCR 17-Quinn, et al (Stouffer)
 HCR 15-Jetton, et al (Champion)

HCR 9-Ruestman, et al (Ridgeway)
 HCR 4-Bruns (Rupp)
 HCR 37-Loehner, et al (Barnitz)
 HCR 10-Zweifel, et al (Loudon)

SR 2741-Wilson
HCR 18-Kuessner, et al

HCR 41-Sutherland, with SCS (Mayer)

Reported from House

SCR 31-Purgason, et al, with HCS

MISCELLANEOUS

REMONSTRANCE 1-Gross

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SECOND REGULAR SESSION

SEVENTY-SECOND DAY—FRIDAY, MAY 12, 2006

The Senate met pursuant to adjournment.

Senator Dougherty in the Chair.

Reverend Carl Gauck offered the following prayer:

“Therefore nothing should give comfort and joy to those who love you as much as knowing that your will and purposes are accomplished in them.” (Thomas a Kempis)

Gracious God, this is it; our last day to try to get a lot done in a tight amount of time. And whether we get that last minute bill before our body or last ditch effort to pass what we consider important legislation, let us be mindful that our comfort and joy comes from our relationship with You and our efforts to follow Your lead and accomplish it in what we have done here, for Your will and honor are more important than anything else. And may we all know Your blessings this day and end the day in praise and Alleluias. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 3114, regarding the Rachel Donelson Chapter of the National Society of Daughters of the American Revolution, Springfield, which was adopted.

Senator Wilson offered Senate Resolution No. 3115, regarding Michael L. Charles, Kansas City, which was adopted.

Senator Barnitz offered Senate Resolution No. 3116, regarding Barbara Schaller, Belle, which was adopted.

Senator Barnitz offered Senate Resolution No.

3117, regarding Laura Hawley Gray, Salem, which was adopted.

Senator Scott offered Senate Resolution No. 3118, regarding Elizabeth Pace, Bolivar, which was adopted.

Senator Loudon offered Senate Resolution No. 3119, regarding Jacob Lyonfields, Manchester, which was adopted.

Senator Loudon offered Senate Resolution No. 3120, regarding Elsie Lokey, which was adopted.

Senator Loudon offered Senate Resolution No. 3121, regarding Judith L. Sanford, which was adopted.

Senator Engler offered Senate Resolution No. 3122, regarding the Saint Mary post office, which was adopted.

Senator Engler offered Senate Resolution No. 3123, regarding Ronald L. Sohn, which was adopted.

Senator Engler offered Senate Resolution No. 3124, regarding Karen Basden, which was adopted.

Senator Crowell offered Senate Resolution No. 3125, regarding Kassy Boyd, Fredericktown, which was adopted.

Senator Dougherty offered Senate Resolution No. 3126, regarding Michael Andrew Freeman, Springfield, which was adopted.

Senator Dougherty offered Senate Resolution No. 3127, regarding Melissa Horn, which was adopted.

Senator Crowell offered Senate Resolution No. 3128, regarding Kristi Hovis, Fredericktown, which was adopted.

Senator Klindt offered Senate Resolution No. 3129, regarding Joyce Elaine Clark, Maysville, which was adopted.

Senator Bartle offered Senate Resolution No. 3130, regarding the Fiftieth Birthday of Sandra

Louise Kenney, Lee's Summit, which was adopted.

Senator Green offered Senate Resolution No. 3131, regarding Ofelia Manalang, Saint Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 3132, regarding Ray Ford, which was adopted.

Senator Stouffer offered Senate Resolution No. 3133, regarding Mr. and Mrs. Jeremiah Johnson, which was adopted.

Senator Stouffer offered Senate Resolution No. 3134, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Harold Dooley, Carrollton, which was adopted.

Senator Scott offered Senate Resolution No. 3135, regarding Shaelyn McClanahan, which was adopted.

Senator Wilson moved that **SR 2741** be taken up for adoption, which motion prevailed.

On motion of Senator Wilson, **SR 2741** was adopted.

Senator Shields announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

CONCURRENT RESOLUTIONS

Senator Purgason moved that **SCR 31**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCR 31** was taken up.

President Kinder assumed the Chair.

Senator Purgason moved that **HCS** for **SCR 31** be adopted.

At the request of Senator Purgason, his motion to adopt **HCS** for **SCR 31** was withdrawn.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for **HB 1511**, with **SCS**, entitled:

An Act to amend chapter 161, RSMo, and to enact in lieu thereof two new sections relating to early childhood education.

Was called from the Consent Calendar and taken up by Senator Shields.

SCS for **HCS** for **HB 1511**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1511**

An Act to repeal section 160.930, RSMo, and to enact in lieu thereof two new sections relating to early childhood education.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HB 1511** be adopted, which motion failed.

On motion of Senator Shields, **HCS** for **HB 1511** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Purgason Ridgeway—2

Absent—Senators

Crowell Loudon—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 590**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 590**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, and House Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 590;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Gary Nodler /s/ Gayle Kingery

/s/ John Cauthorn /s/ Carl Bearden

/s/ Robert Mayer /s/ David Pearce

/s/ Rita Heard Days /s/ Rachel Bringer

/s/ Yvonne S. Wilson Clint Zweifel

Senator Nodler moved that the above conference committee report be adopted.

At the request of Senator Nodler, the motion to adopt the conference committee report was withdrawn.

Senator Shields announced that photographers from KY3-TV, Kansas City Star and the Suburban Journal of St. Charles County had been given permission to take pictures in the Senate Chamber today.

Senator Nodler moved that the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 590**, as amended, be taken up, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Nodler moved that the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 590**, as amended, be adopted.

At the request of Senator Nodler, the above motion was withdrawn.

Senator Koster assumed the Chair.

Senator Nodler moved that the Conference Committee Report on **HCS** for **SS** for **SB 696**, as amended, be taken up.

At the request of Senator Nodler, the above motion was withdrawn.

Senator Nodler moved that the Conference

Committee Report on **HCS** for **SS** for **SCS** for **SB 590**, as amended, be taken up, which motion prevailed.

Senator Nodler moved that the above Conference Committee Report be adopted.

At the request of Senator Nodler, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 1229**, entitled:

An Act to repeal sections 135.327 and 135.333, RSMo, and to enact in lieu thereof two new sections relating to tax credits for children in crisis.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 780**, entitled:

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the public counsel.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1064**, entitled:

An Act to repeal sections 226.527, 226.530, and 226.580, RSMo, and to enact in lieu thereof three new sections relating to outdoor advertising.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1064, Page 2, Section 226.527, Line 33, by inserting after said line the following:

“A dispute between a property owner and a bill board sign company shall not present a liability issue for a zoning authority.”; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 953**, entitled:

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, 381.241, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as

enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof sixty-three new sections relating to the regulation of title insurance and service contracts, with penalty provisions and an effective date for certain sections.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 953, Page 1, In the Title, Line 17, by deleting the words “and service contracts”; and

Further amend said bill, Page 3, Section 374.046, Line 31, by deleting the phrase “**is about to engage**” and inserting in lieu thereof the phrase “**has taken a substantial step toward engaging**”; and

Further amend said bill, Page 3, Section 374.046, Line 33, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 3, Section 374.046, Line 35, by deleting the word “**aided,**” and inserting in lieu thereof the words “**aided or**”; and

Further amend said bill, Page 3, Section 374.046, Line 35, by deleting the phrase “**, or is about to materially aid**”; and

Further amend said bill, Page 3, Section 374.046, Line 37, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 7, Section 374.047, Line 5, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 7, Section 374.048, Line 1, by deleting the phrase “**is about to engage**” and inserting in lieu thereof the phrase “**has taken a substantial step toward engaging**”;

and

Further amend said bill, Page 7, Section 374.048, Lines 3 and 4, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 8, Section 374.048, Line 5, by deleting the phrase “**is about to engage**” and inserting in lieu thereof the phrase “**has taken a substantial step toward engaging**”; and

Further amend said bill, Page 8, Section 374.048, Line 7, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 9, Section 374.048, Line 46, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 9, Section 374.049, Line 2, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 9, Section 374.049, Line 12, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 10, Section 374.049, Line 28, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 10, Section 374.049, Line 43, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Page 11, Section 374.055, Line 3, by deleting the phrase “**except sections 374.700 to 374.789,**”; and

Further amend said bill, Pages 12 to 17, Section 381.009, Lines 1 to 198, by deleting all of said lines; and

Further amend said bill, Pages 17 and 18, Section 381.015, Lines 1 to 24, by deleting all of said lines; and

Further amend said bill, Page 22, Section 381.025, Lines 1 to 16, by deleting all of said lines; and

Further amend said bill, Page 22, Section 381.026, Lines 1 to 8, by deleting all of said lines; and

Further amend said bill, Pages 22 and 23, Section 381.027, Lines 1 to 9, by deleting all of said lines; and

Further amend said bill, Pages 23 and 24, Section 381.028, Lines 1 to 42, by deleting all of said lines; and

Further amend said bill, Pages 24 and 25, Section 381.029, Lines 1 to 29, by deleting all of said lines; and

Further amend said bill, Page 25, Section 381.032, Lines 1 to 18, by deleting all of said lines; and

Further amend said bill, Pages 25 and 26, Section 381.033, Lines 1 to 18, by deleting all of said lines; and

Further amend said bill, Page 26, Section 381.034, Lines 1 to 12, by deleting all of said lines; and

Further amend said bill, Pages 26 and 27, Section 381.038, Lines 1 to 42, by deleting all of said lines; and

Further amend said bill, Pages 27, Section 381.045, Line 1, by deleting the phrase “**is about to engage**” and inserting in lieu thereof the phrase “**has taken a substantial step toward engaging**”; and

Further amend said bill, Page 27, Section 381.045, Line 3, by deleting the word “**aided,**” and inserting in lieu thereof the words “**aided or**”; and

Further amend said bill, Page 27, Section 381.045, Line 3, by deleting the phrase “**, or is about to materially aid**”; and

Further amend said bill, Page 28, Section 381.045, Lines 10 and 11, by deleting the phrase “**is about to engage**” and inserting in lieu thereof the phrase “**has taken a substantial step toward engaging**”; and

Further amend said bill, Page 28, Section 381.045, Line 12, by deleting the word “**aided,**” and inserting in lieu thereof the words “**aided or**”; and

Further amend said bill, Page 28, Section 381.045, Line 12, by deleting the phrase “, **or is about to materially aid**”; and

Further amend said bill, Pages 28 and 29, Section 381.058, Lines 1 to 33, by deleting all of said lines; and

Further amend said bill, Page 33, Section 381.112, Lines 1 to 3, by deleting all of said lines; and

Further amend said bill, Pages 33 and 34, Section 381.113, Lines 1 to 23, by deleting all of said lines; and

Further amend said bill, Pages 37 and 38, Section 381.410, Lines 1 to 34, by deleting all of said lines; and

Further amend said bill, Pages 38 and 39, Section 381.412, Lines 1 to 22, by deleting all of said lines; and

Further amend said bill, Pages 39 to 47, Sections 385.200 to 385.212, by deleting all of said sections; and

Further amend said bill, Pages 47 55, Sections 385.300 to 385.312, by deleting all of said sections; and

Further amend said bill, Page 61, Section 381.021, Lines 1 to 14, by deleting all of said lines; and

Further amend said bill, Pages 64 to 66, Section 381.031, Lines 1 to 113, by deleting all of said lines; and

Further amend said bill, Pages 66 and 67, Section 381.032, Lines 1 to 34, by deleting all of said lines; and

Further amend said bill, Pages 71 and 72, Section 381.071, Lines 1 to 39, by deleting all of said lines; and

Further amend said bill, Pages 86 to 102, Sections 381.131 to 407.1227, by deleting all of said sections; and

Further amend said bill, Page 102, Section B, Lines 1 to 15, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 1175**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for community center development.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1175, Page 1, In the Title, Lines 2 and 3, by deleting the words “a sales tax for community center development” and inserting in lieu thereof the following: “taxation in political subdivisions”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

“67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this

section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax to be used solely to fund senior services provided by the county and half of the revenue from the tax to be used solely to fund youth programs provided by the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of

the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county which imposed the tax may adopt one of the two following provisions for the collection and administration of the tax:

(1) The county may adopt rules for the internal collection of such tax by the county officers usually responsible for collection and administration of county taxes; or

(2) The county may enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. In the event the county enters into an agreement with the director of revenue for the collection of the tax, on or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for

erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption

certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority

of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county

and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1175, Section A, Page 1, Line 2 by inserting immediately after said Line the following:

“67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations

of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo. Those exempt pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo. Those exempt pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for

public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk cafe tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and

economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571

shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1175, Section 67.2715, Page 2, Line 35, by inserting the word “**and**” after the word “**center**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1175, Page 2, Line 3 by inserting after the word “**city**” the following: “, **including the hiring of police officers and prosecuting attorneys**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1175, Page 1, Lines 2 and 3 of the title by deleting the words “for community center development”; and

Further amend said bill, Page 4, Section 67.2715, Line 117, by inserting after said line the following:

“92.500. 1. The governing body of any city not within a county may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for compensation, pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X"

in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding

month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales

tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority

of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit

the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 567 and 792**, entitled:

An Act to repeal sections 290.145, 376.421, 376.429, and 379.952, RSMo, and to enact in lieu thereof five new sections relating to health insurance coverage.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 567 & 792, Section 376.429, Page 9, Line 76 by inserting after said Line the following:

“11. The provisions of this section regarding phase II of a clinical trial shall not apply automatically to an individually underwritten health benefit plan, but shall be an option to any such plan.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Champion moved that **SS for SCS for SB 1229**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS for SCS for SB 1229, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1229

An Act to repeal sections 135.327 and 135.333, RSMo, and to enact in lieu thereof two new sections relating to tax credits for children in crisis.

Was taken up.

Senator Champion moved that **HCS for SS for SCS for SB 1229** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Champion, **HCS for SS for SCS for SB 1229** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp

Scott Shields Stouffer Vogel
Wheeler Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wheeler assumed the Chair.

Senator Klindt moved that **SB 780**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 780, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 780

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the public counsel.

Was taken up.

Senator Klindt moved that **HCS for SB 780** be adopted.

At the request of Senator Klindt, the above motion was withdrawn.

Senator Stouffer moved that **SCS for SB 1064**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 1064, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1064

An Act to repeal sections 226.527, 226.530, and 226.580, RSMo, and to enact in lieu thereof three new sections relating to outdoor advertising.

Was taken up.

Senator Stouffer moved that **HCS for SCS for SB 1064**, as amended, be adopted.

At the request of Senator Stouffer, the above motion was withdrawn.

Senator Shields announced that photographers from KMIZ-TV had been given permission to take photographs in the Senate Chamber today.

Senator Engler moved that **SS for SCS for SB 953**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS for SCS for SB 953, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 953

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, 381.241, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second

regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof sixty-three new sections relating to the regulation of title insurance and service contracts, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Engler moved that **HCS** for **SS** for **SCS** for **SB 953** be adopted.

At the request of Senator Engler, the above motion was withdrawn.

Senator Vogel moved that **SB 990**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Vogel moved that **HCA 1** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Vogel, **SB 990**, as amended by **HCA 1**, was read the 3rd time and

passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Crowell, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1306**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1306

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No.

1306, with Senate Amendment Nos. 1, 2, 3, 4, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 1306;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jason Crowell

/s/ Norma Champion

/s/ Gary Nodler

/s/ Harry Kennedy

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Todd Smith

/s/ Ward Franz

/s/ James Viebrock

/s/ Patricia M. Yaeger

/s/ John Burnett

Senator Crowell moved that the above conference committee report be adopted.

At the request of Senator Crowell, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Stouffer moved that **SCS** for **SB 1175**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1175**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1175

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales

tax for community center development.

Was taken up.

Senator Stouffer moved that **HCS** for **SCS** for **SB 1175**, as amended, be adopted.

At the request of Senator Stouffer, the above motion was withdrawn.

CONFERENCE COMMITTEE REPORTS

Senator Nodler moved that the Conference Committee Report on **HCS** for **SS** for **SB 696**, as amended, be taken up, which motion prevailed.

Senator Nodler moved that the above Conference Committee Report be adopted.

At the request of Senator Nodler, the above motion was withdrawn.

Senator Koster assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 1884, introduced by Representative Behnen, entitled:

An Act to repeal sections 339.509, 339.519, and 339.525, RSMo, and to enact in lieu thereof three new sections relating to real estate appraisers.

Was taken up by Senator Gross.

Senator Gross moved that **HB 1884** be read the 3rd time and passed.

At the request of Senator Gross, **HB 1884** was placed on the Informal Calendar.

HCS for **HB 1135**, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

Was called from the Consent Calendar and taken up by Senator Stouffer.

Senator Stouffer moved that **HCS** for **HB 1135** be read the 3rd time and passed.

At the request of Senator Stouffer, the above

motion was withdrawn.

HB 1424, introduced by Representative Franz, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.730, and 165.071, RSMo, and to enact in lieu thereof fifteen new sections relating to collection of taxes.

Was called from the Consent Calendar and taken up by Senator Purgason.

Senator Purgason moved that **HB 1424** be read the 3rd time and passed.

At the request of Senator Purgason, the above motion was withdrawn.

President Pro Tem Gibbons assumed the Chair.

HB 1144, introduced by Representative May, et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state grass.

Was called from the Consent Calendar and taken up by Senator Clemens.

Senator Clemens moved that **HB 1144** be read the 3rd time and passed.

At the request of Senator Clemens, the above motion was withdrawn.

HCS for HB 1037, entitled:

An Act to repeal sections 260.360 and 260.800, RSMo, and to enact in lieu thereof two new sections relating to environmental control.

Was called from the Consent Calendar and taken up by Senator Klindt.

Senator Klindt moved that **HCS for HB 1037** be read the 3rd time and passed.

At the request of Senator Klindt, the above motion was withdrawn.

HB 1577, introduced by Representative Pollock, et al, entitled:

An Act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof three new sections relating to the state milk board.

Was called from the Consent Calendar and taken up by Senator Clemens.

Senator Clemens moved that **HB 1577** be read the 3rd time and passed.

At the request of Senator Clemens, the above motion was withdrawn.

HB 1722, introduced by Representative Sutherland, et al, entitled:

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to park services.

Was called from the Consent Calendar and taken up by Senator Mayer.

Senator Mayer moved that **HB 1722** be read the 3rd time and passed.

At the request of Senator Mayer, the above motion was withdrawn.

HB 1833, introduced by Representative Wood, et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state invertebrate.

Was called from the Consent Calendar and taken up by Senator Goodman.

Senator Goodman moved that **HB 1833** be read the 3rd time and passed.

At the request of Senator Goodman, the above motion was withdrawn.

HB 1988, introduced by Representative Wagner, et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official game animal of Missouri.

Was called from the Consent Calendar and taken up by Senator Barnitz.

Senator Barnitz moved that **HB 1988** be read the 3rd time and passed.

At the request of Senator Barnitz, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Dougherty moved that **SCS** for **SBs 567** and **792**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 567** and **792**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 567 and 792

An Act to repeal sections 290.145, 376.421, 376.429, and 379.952, RSMo, and to enact in lieu thereof five new sections relating to health insurance coverage.

Was taken up.

Senator Dougherty moved that **HCS** for **SCS** for **SBs 567** and **792**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dougherty, **HCS** for **SCS** for **SBs 567** and **792**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Gibbons declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1088, introduced by Representative Schaaf, et al, entitled:

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

Was called from the Consent Calendar and taken up by Senator Scott.

Senator Scott moved that **HB 1088** be read the 3rd time and passed.

At the request of Senator Scott, the above motion was withdrawn.

HCS for HB 1366, entitled:

An Act to repeal section 320.300, RSMo, and to enact in lieu thereof one new section relating to volunteer fire protection associations.

Was called from the Consent Calendar and taken up by Senator Engler.

Senator Engler moved that **HCS for HB 1366** be read the 3rd time and passed.

At the request of Senator Engler, the above motion was withdrawn.

HB 1905, introduced by Representative Jetton, et al, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to supplemental food stamp assistance.

Was called from the Informal Calendar and taken up by Senator Champion.

Senator Champion moved that **HB 1905** be read the 3rd time and passed.

At the request of Senator Champion, **HB 1905** was placed on the Informal Calendar.

COMMUNICATIONS

Senator Shields submitted the following:

Mr. President: I would like to have it noted in the journal that the Secretary of the Senate's office has attempted to deliver Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 1742 as third read and finally passed by the Senate five times today and each time the House of Representatives has refused to accept physical custody of the bill.

/s/ Charlie Shields

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 931**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 919**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 870**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 881**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 964**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS No. 2 for SB 1003**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1057**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1060**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1139**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1197**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1059**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1208**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1216**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1146**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 26**.

Joint Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 1485** and has taken up and passed **SCS** for **HCS** for **HB 1485**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 1380** and has taken up and passed **SCS** for **HCS** for **HB 1380**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS**, as amended to **HCS** for **HB 1837** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1837**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 1001**, **896** and **761**, as amended and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 1001**, **896** and **761**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 894**, as amended and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 894**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 718**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HJR 55** and has taken up and passed **HJR 55**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 616**, as amended and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 616**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 932** and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 932**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 756** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 756**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 1017**, as amended and has taken up and passed **CCS** for **HCS** for **SB 1017**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HB 1026** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1026**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS No. 2**, as amended for **HCS** for **HB 1149** and has taken up and passed **SCS No. 2** for **HCS** for **HB 1149**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 978** and has taken up and passed **SCS** for **HCS** for **HB 978**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **CCS** for **SS No. 2** for **SCS** for **HCS** for **HB 1456** and has

taken up and adopted **SS No. 2** for **SCS**, as amended for **HCS** for **HB 1456** and has again taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended.

On motion of Senator Shields, the Senate adjourned until 10:00 a.m., Wednesday, May 17, 2006.

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Unofficial

Journal

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-THIRD DAY—WEDNESDAY, MAY 17, 2006

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 3136, regarding the death of Alva Gaylord, Carrollton, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 3137, regarding Rita K. Bales, which was adopted.

On behalf of Senator Mayer, Senator Gibbons offered Senate Resolution No. 3138, regarding Linda Fowler, New Madrid, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 3139, regarding Richland High School Academic Team, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 3140, regarding Andrea L. Walker, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 3141, regarding Evan Thomas Summers, High Ridge, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 3142, regarding Eagle Scout Evan Thomas Summers, High Ridge,

which was adopted.

On behalf of Senator Dougherty, Senator Gibbons offered Senate Resolution No. 3143, regarding Father Jack Gavin, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 3144, regarding the death of Rose Marie Perry, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 3145, regarding Donald R. Perry, Jefferson City, which was adopted.

On behalf of Senator Clemens, Senator Gibbons offered Senate Resolution No. 3146, regarding Austin Michael Owens, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 3147, regarding Alex Eftink, Marble Hill, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, on behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules,

Joint Rules, Resolutions and Ethics, to which were referred **SB 558; SB 559; SB 561; HCS for SCS for SBs 567 and 792; SCS for SB 580; HCS for SS No. 2 for SCS for SB 583; SB 612; HCS for SCS for SB 614; CCS for HCS for SCS for SB 616; SB 618; SCS for SB 630; SB 641; SB 645; SB 648; SCS for SB 650; SCS for SBs 667, 704, 941, 956 and 987; SB 677; SB 678; SCS for SBs 701 and 948; SS for SCS for SB 718; HCS for SB 725; SCS for SB 747; SCS for SB 749; SCS for SB 751; CCS for HCS for SCS for SB 756; HCS for SCS for SB 765; HCS for SCS for SB 769; SB 778; SB 785; SCS for SB 802; HCS for SB 809; HCS for SB 819; SB 822; HCS for SS for SCS for SB 825; SB 828; SCS for SB 830; HCS for SB 834; HCS for SB 837; HCS for SB 840; SB 845; SB 863; SCS for SB 870; SB 871; HCS for SS for SCS for SBs 872, 754 and 669; SB 881; HCS for SS for SCS for SB 892; HCS for SB 893; CCS for HCS for SS for SCS for SB 894; SB 900; SS for SCS for SB 912; SB 919; SB 931; CCS No. 2 for HCS for SCS for SB 932; SB 933; SCS for SB 934; SB 936; SB 964; SB 974; HCS for SB 980; HCS for SB 981; SB 990; CCS for HCS for SCS for SBs 1001, 896 and 761; HCS for SB 1002; SCS No. 2 for SB 1003; SCS for SB 1008; CCS No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730; SB 1016; CCS for HCS for SB 1017; SB 1020; HCS for SB 1023; SCS for SB 1026; HCS for SB 1045; SB 1056; SB 1057; SCS for SB 1059; SCS for SB 1060; SS for SB 1066; HCS for SB 1084; HCS for SCS for SB 1086; SB 1094; SCS for SB 1117; HCS for SCS for SB 1122; SB 1139; SB 1146; SB 1155; HCS for SB 1165; SB 1177; SB 1189; SB 1197; SB 1207; SB 1208; SB 1216; HCS for SS for SCS for SB 1229; and **SJR 26**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.**

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 558;**

SB 559; SB 561; HCS for SCS for SBs 567 and 792; SCS for SB 580; HCS for SS No. 2 for SCS for SB 583; SB 612; HCS for SCS for SB 614; CCS for HCS for SCS for SB 616; SB 618; SCS for SB 630; SB 641; SB 645; SB 648; SCS for SB 650; SCS for SBs 667, 704, 941, 956 and 987; SB 677; SB 678; SCS for SBs 701 and 948; SS for SCS for SB 718; HCS for SB 725; SCS for SB 747; SCS for SB 749; SCS for SB 751; CCS for HCS for SCS for SB 756; HCS for SCS for SB 765; HCS for SCS for SB 769; SB 778; SB 785; SCS for SB 802; HCS for SB 809; HCS for SB 819; SB 822; HCS for SS for SCS for SB 825; SB 828; SCS for SB 830; HCS for SB 834; HCS for SB 837; HCS for SB 840; SB 845; SB 863; SCS for SB 870; SB 871; HCS for SS for SCS for SBs 872, 754 and 669; SB 881; HCS for SS for SCS for SB 892; HCS for SB 893; CCS for HCS for SS for SCS for SB 894; SB 900; SS for SCS for SB 912; SB 919; SB 931; CCS No. 2 for HCS for SCS for SB 932; SB 933; SCS for SB 934; SB 936; SB 964; SB 974; HCS for SB 980; HCS for SB 981; SB 990; CCS for HCS for SCS for SBs 1001, 896 and 761; HCS for SB 1002; SCS No. 2 for SB 1003; SCS for SB 1008; SB 1016; CCS for HCS for SB 1017; SB 1020; HCS for SB 1023; SCS for SB 1026; HCS for SB 1045; SB 1056; SB 1057; SCS for SB 1059; SCS for SB 1060; SS for SB 1066; HCS for SB 1084; HCS for SCS for SB 1086; SB 1094; SCS for SB 1117; HCS for SCS for SB 1122; SB 1139; SB 1146; SB 1155; HCS for SB 1165; SB 1177; SB 1189; SB 1197; SB 1207; SB 1208; SB 1216; HCS for SS for SCS for SB 1229; and **SJR 26, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.**

OBJECTIONS

Senator Coleman submitted the following

constitutional objection:

May 17, 2006

Terry L. Spieler – Secretary of the Missouri Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

**RE: *Constitutional Objections to be Included in the
Senate Journal of this Date.***

Dear Terry:

Pursuant to Senate Rule 68, please let this serve as my written objections to the signing of CCS/HCS/SS#2/SCS/SB 1014 & 730. I ask that this letter be printed in the journal. My objections are as follows:

Objections based on the substance of the legislation.

- Section 115.427 of this bill, which requires voters to have photographic identification to vote, violates the Fourteenth Amendment to the United States Constitution. Since the United States Supreme Court handed down the decision of *Harper v. Virginia Board of Elections* in 1966, it has been considered unconstitutional to require a poll tax.

While this bill makes provisions that the photographic identifications be free, the bill does not address section 302.171 of the Missouri Revised Statutes. Section 302.171 requires proof of lawful presence in order to obtain a driver's license. For natural born citizens, the two forms of proof of lawful residence required in order to get a driver's license are a birth certificate or a United States passport. Both of these forms of proof require payment to the state of Missouri or to the government of the United States respectively.

In *Harper*, the United States Supreme Court stated,

We conclude that a State violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth *nor to paying or not paying this or any other tax.*

383 U.S. 663, 666, 86 S.Ct. 1079, 1081 (1966)(emphasis added).

Because a voter would be required to pay the government in order to obtain forms of proof that satisfy the requirements to obtain a photographic identification, this provision is in fact a poll tax and therefore violates the Fourteenth Amendment to the United States Constitution.

- Section 115.427 of the bill also violates Article VIII, Section 2 of the Missouri Constitution. This constitutional provision sets out the qualifications for voters. The General Assembly has no authority to require

qualifications – including a qualification that voter have a photographic identification – that exceed the qualifications set out in the Missouri Constitution.

- The bill violates Article X, Section 21 of the Missouri Constitution – colloquially known as the Hancock Amendment. The bill burdens local election authorities with several new requirements beyond existing law and – as was noted several times in floor debate on this bill – the General Assembly has utterly and completely failed to provide any appropriation for these new burdensome requirements.
- The bill violates Article I, Section 14 of the Missouri Constitution – colloquially known as the Open Courts provision. This bill removes all ability for a citizen to petition a state Court for either a legal or equitable remedy connected with the citizen's right to vote. The bill allows for an election authority – and only an election authority – to petition the court for a remedy. As such, the bill closes the courts of justice to every person seeking to enforce his or her right to vote other than an election authority.

Objections based on the process through which the legislation was passed.

- The process through which this bill was passed violated Article III, Section 18 of the Missouri Constitution. This constitutional provision allows the Senate to determine the rules for its proceedings. Implicit within that constitutional authorization is that the Senate must actually follow its own rules. Indeed, in the case of *State ex rel Danforth v. Cason*, the Missouri Supreme Court acknowledged that even the Lieutenant Governor, when presiding over the body, was bound under the Missouri Constitution to follow the rules of the Senate. 507 S.W.2d 405, 413-414 (Mo. 1974).

The process through which this bill passed violated Rule 51 of the Senate Rules relating to committee votes. The conference committee on this bill specifically voted not to include the repeal of straight party ticket voting. Nevertheless, the version of the bill that passed the Senate contained such a repeal.

The sponsor of this bill and the majority party are not emperors on high free to include provisions in a bill that were specifically rejected by a conference committee. This shocking breach of rules and protocol exhibited extreme arrogance on the part of the majority party and the sponsor.

In addition to their flagrant disregard for the Senate Rule and the Missouri Constitution in bringing to the floor a CCS that contained provisions specifically rejected by

the conference committee, the sponsor and the majority party leadership also violated sections 610.015 and 610.020 of the Missouri Revised Statutes. These sections require open meetings and public votes. Instead of a process that was open to let the sun shine in as the spirit of the sunshine law requires, the process through which this legislation passed smacked of secret back-room deals that the People of Missouri have clearly rejected.

- The process through which this bill passed violated section 23.140 of the Missouri Revised Statutes. This section requires that a hearing be held by the Joint Committee on Legislative Research when there is a challenge to a fiscal note. On May 9, 2006, Senator Green served on the chair of the Joint Committee on Legislative Research, Senator Nodler, a challenge to the fiscal note on this bill. Under section 23.140, the committee was required to hold a hearing on the challenge. Nevertheless, in another flagrant disregard for constitutional requirements, statutes, and rules, Senator Nodler did not hold such a hearing.
- Finally, and perhaps the most shocking of all the breaches of either the United States or Missouri constitution, is the fact that the proceedings on this bill on the legislative day of May 11, 2006 violated Article III, Section 5 of the Missouri Constitution. This constitutional provision states that the senate shall consist of *thirty-four members*. When Senator Koster was presiding during these proceedings and blatantly refused to recognize me to raise a point of order – a matter which is *always* in order – the constitution was violated by rendering the Senate to have only thirty-three members. I reiterate that the sponsor of the bill and the leadership of the majority party are not emperors on high free to rule with a reign of tyranny in this chamber.

I would add that when my party controlled the chamber, the kind of tyrannical tactics that were used on this bill were not employed. I can only hope that when my party returns to power, I am able to convince our membership not to employ the same tactics that have been used on this piece of legislation. My disappointment in how several members of the majority party have behaved during this process could not be greater.

I ask that these objections be attached to the bill and considered by the Governor. I ask the Governor to veto this bill due to its blatant lack of regard for the United States Constitution and the Missouri Constitution which the members of the Senate have taken an oath to support.

Thank you.

Sincerely,

/s/ Maida J. Coleman

Maida J. Coleman

Minority Floor Leader

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730**, having passed both branches of the General Assembly, would be read at length by the Secretary, and the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Gibbons, the Senate adjourned until 10:00 a.m., Friday, May 26, 2006.

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Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FOURTH DAY—FRIDAY, MAY 26, 2006

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 3148, regarding David “Trey” James, III, New Cambria, which was adopted.

On behalf of Senator Bray, Senator Gibbons offered Senate Resolution No. 3149, regarding Mickey Gage, Jefferson City, which was adopted.

On behalf of Senator Bray, Senator Gibbons offered Senate Resolution No. 3150, regarding Shellie Hexter, University City, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 3151, regarding Melissa Williams, Cedar Hill, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 3152, regarding Donald Hong, High Ridge, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 3153, regarding Dan Johnson, Aurora, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 3154,

regarding Katherine Rettig, Branson, which was adopted.

On behalf of Senator Champion, Senator Gibbons offered Senate Resolution No. 3155, regarding the Big Brothers Big Sisters of the Ozarks, Incorporated, Springfield, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3156, regarding Lee Pinkston, Farmington, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3157, regarding Samuel J. Barker, Farmington, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3158, regarding John Lenz, Farmington, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3159, regarding Ray L. Hogan, Park Hills, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3160, regarding William Cannell, Farmington, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3161, regarding Everett Huff, Doe Run, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3162, regarding

Fred C. Edgar, Farmington, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3163, regarding Oscar Cash, Farmington, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 3164, regarding Roy L. Clark, Farmington, which was adopted.

On behalf of Senator Mayer, Senator Gibbons offered Senate Resolution No. 3165, regarding Tyler Blair Gillespie, Dexter, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 3166, regarding the Thirtieth Anniversary of the Missouri Junior Chamber International (JCI) Senate, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 3167, regarding Marie McDole Gormley, Steelville, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 3168, regarding Kay Meyer, which was adopted.

On behalf of Senator Rupp, Senator Gibbons offered Senate Resolution No. 3169, regarding the St. Charles County Association of REALTORS®, which was adopted.

On behalf of Senator Champion, Senator Gibbons offered Senate Resolution No. 3170, regarding Dr. Norman K. Myers, Springfield, which was adopted.

On behalf of Senator Green, Senator Gibbons offered Senate Resolution No. 3171, regarding Kyle E. Crutcher, St. Louis, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 3172, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Scharnhorst, West Plains, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 3173,

regarding Patricia Armendarez, Bowling Green, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 3174, regarding Adam Reinagel, Kelso, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 3175, regarding John Kiblinger, Cape Girardeau, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 3176, regarding Kelly Irvin, Leopold, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 3177, regarding Jessica Vandeven, Marble Hill, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 3178, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Bill Coberly, Longview, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 3179, regarding Charles V. Vreeland, Hillsboro, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 3180, regarding Michael and Evelyn Hendricks, Taos, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 3181, regarding Jacob Hayden, Perryville, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 3182, regarding Joshua Hayden, Perryville, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 3183, regarding the

Ninetieth Birthday of William Raymond Robbins, Trenton, which was adopted.

On behalf of Senator Dougherty, Senator Gibbons offered Senate Resolution No. 3184, regarding Darlene Agnes Sweeney Chambers, St. Louis, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 3185, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J.D. Reece, Southwest City, which was adopted.

On behalf of Senator Koster, Senator Gibbons offered Senate Resolution No. 3186, regarding the One Hundred Third Birthday of Marguerite E. Hoberecht, Raymore, which was adopted.

On behalf of Senator Koster, Senator Gibbons offered Senate Resolution No. 3187, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William Johnson Livengood, Warrensburg, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 3188, regarding Christopher L. Rutter, Clinton, which was adopted.

On behalf of Senator Days, Senator Gibbons offered Senate Resolution No. 3189, regarding Mary Ann Jenkins, St. Louis, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 3190, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Joseph Kuszaj, St. Louis, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 3191, regarding the Ninety-sixth Birthday of Virgie McShane, Conway, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 3192, regarding the Ninety-eighth Birthday of Brooxie Duncan, Lebanon, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 802**, after being duly signed by the

Speaker Pro Tem of the House of Representatives in open session on Thursday, May 18, 2006, was delivered to the Governor by the Secretary of the Senate.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 12**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HJR 55**; **SCS for HCS for HB 977**; **SCS for HCS for HB 978**; **HB 983**; **HB 984**; **CCS for SCS for HB 1001**; **CCS for SCS for HCS for HB 1002**; **CCS for SCS for HCS for HB 1003**; **CCS for SCS for HCS for HB 1004**; **CCS for SCS for HCS for HB 1005**; **CCS for SCS for HCS for HB 1006**; **CCS for SCS for HCS for HB 1007**; **CCS for SCS for HB 1008**; **CCS for SCS for HB 1009**; **CCS for SCS for HCS for HB 1010**; **CCS for SCS for HCS for HB 1011**; **CCS for SCS for HCS for HB 1012**; **CCS for SCS for HB 1013**; **HCS for HB 1021**; **SS for SCS for HCS for HB 1026**; **HCS for HB 1053**; **HCS for HB 1138**; **SCS No. 2 for HCS for HB 1149**; **HCS for HB 1180**; **HCS for HB 1182**; **HB 1204**; **HB 1222**; **HB 1234**; **HB 1245**; **HCS for HB 1256**; **CCS for SCS for HCS for HBs 1270 and 1027**; **HCS for HB 1339**; **HCS for HB 1343**; **HCS for HB 1344**; **SCS for HCS for HB 1380**; **SCS for HCS for HBs 1382 and 1158**; **HB 1393**; **HB 1427**; **SCS for HB 1437**; **SCS for HCS for HB 1440**; **SCS for HCS for HB 1449**; **SS No. 2 for SCS for HCS for HB 1456**; **SCS for HCS for HB 1485**; **HB 1488**; **HB 1491**; **HB 1494**; **SCS for HB 1509**; **HCS for HB 1511**; **HCS for HB 1515**; **HCS for HB 1552**; **HCS for HB 1559**; **SCS for HB 1601**; **HCS for**

HBs 1617 and 1374; HB 1687; CCS for SS for SCS for HCS for HBs 1698, 1236, 995, 1362 and 1290; HCS No. 2 for HB 1703; SCS for HB 1707; HB 1715; HB 1732; HCS for HB 1739; HCS for HB 1759; SCS for HCS for HB 1762; SCS for HCS for HB 1787; HB 1827; SS for SCS for HCS for HB 1837; HB 1857; HB 1858; CCS for SS for HCS for HB 1900; and CCS for SS for SCS for HCS for HB 1944 having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the joint resolution and bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE SECRETARY OF STATE

SJR 26, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

BILLS DELIVERED TO THE GOVERNOR

SB 558; SB 559; SB 561; HCS for SCS for SBs 567 and 792; SCS for SB 580; HCS for SS No. 2 for SCS for SB 583; SB 612; HCS for SCS for SB 614; CCS for HCS for SCS for SB 616; SB 618; SCS for SB 630; SB 641; SB 645; SB 648; SCS for SB 650; SCS for SBs 667, 704, 941, 956 and 987; SB 677; SB 678; SCS for SBs 701 and 948; SS for SCS for SB 718; HCS for SB 725; SCS for SB 747; SCS for SB 749; SCS for SB 751; CCS for HCS for SCS for SB 756; HCS for SCS for SB 765; HCS for SCS for SB 769; SB 778; SB 785; HCS for SB 809; HCS for SB 819; SB 822; HCS for SS for SCS for SB 825; SB 828; SCS for SB 830; HCS for SB 834; HCS for SB 837; HCS for SB 840; SB 845; SB 863; SCS for SB 870; SB 871; HCS for SS for SCS for SBs 872, 754 and 669; SB 881; HCS for SS for SCS for SB 892; HCS for SB 893; CCS for HCS for SS for SCS for SB 894; SB 900; SS for SCS for SB 912;

SB 919; SB 931; CCS No. 2 for HCS for SCS for SB 932; SB 933; SCS for SB 934; SB 936; SB 964; SB 974; HCS for SB 980; HCS for SB 981; SB 990; CCS for HCS for SCS for SBs 1001, 896 and 761; HCS for SB 1002; SCS No. 2 for SB 1003; SCS for SB 1008; CCS No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730; SB 1016; CCS for HCS for SB 1017; SB 1020; HCS for SB 1023; SCS for SB 1026; HCS for SB 1045; SB 1056; SB 1057; SCS for SB 1059; SCS for SB 1060; SS for SB 1066; HCS for SB 1084; HCS for SCS for SB 1086; SB 1094; SCS for SB 1117; HCS for SCS for SB 1122; SB 1139; SB 1146; SB 1155; HCS for SB 1165; SB 1177; SB 1189; SB 1197; SB 1207; SB 1208; SB 1216; and HCS for SS for SCS for SB 1229, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 19, 2006

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 802, entitled:

AN ACT

To amend chapter 249, RSMo, by adding thereto one new section relating to sewer districts in certain counties, with an emergency clause.

On May 19, 2006, I approved said Senate Committee Substitute for Senate Bill No. 802.

Respectfully submitted,

MATT BLUNT

On motion of Senator Gibbons, the Senate adjourned sine die pursuant to the Constitution.

Journal of the Senate
NINETY-THIRD GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION
VETO SESSION

FIRST DAY—WEDNESDAY, SEPTEMBER 13, 2006

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

Gracious God, we join the people of this nation this week in prayer and remembering. We remember how five years ago we prayed for our country that we might "discover strength while feeling vulnerable, obtain peace while feeling distressed and have solidarity amidst our diversity" and You, O Lord, have provided it to us and comforted us. Today we pray that You teach us a message of love that it may be heard louder than those who desire violence and hatred. And again we pray that You "open our hearts to appreciate more fully the gifts of freedom and grace we sometimes take for granted." Help us good Lord to love more completely those You have given us - our families and our friends and those to whom we have to say our good-byes and those we have committed to Your loving presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present—Senators

Alter Barnitz Bray Callahan

Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Bartle Loudon—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section

32 of the Constitution and is ready for the consideration of its business.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-third General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-third General Assembly.

Senator Green offered Senate Resolution No. 3, regarding Friends of Fort Belle Fontaine Park, which was adopted.

Senator Green offered Senate Resolution No. 4, regarding St. Louis County Parks and Recreation, which was adopted.

Senator Green offered Senate Resolution No. 5, regarding Living History Re-enactors, Inc., which was adopted.

Senator Green offered Senate Resolution No. 6, regarding the First Royal Regiment of Foote, which was adopted.

Senator Green offered Senate Resolution No. 7, regarding the Fort Belle Fontaine Historical Society, which was adopted.

Senator Green offered Senate Resolution No. 8, regarding the Discovery Expedition of St. Charles, which was adopted.

Senator Green offered Senate Resolution No. 9, regarding the Spanish Lake Community Association, which was adopted.

Senator Coleman moved that the Senate be convened in special session to address the MAWD issue.

Senator Shields raised the point of order that the motion made by Senator Coleman is out of order as Article III, Section 32 of the Missouri Constitution states clearly the business that can be considered during veto session; further stating Article III, Section 20(b) outlines the provisions by which the Legislature may call itself into

special session.

The point of order was referred to the President Pro Tem who ruled it well taken.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Shields, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2006 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **SCS** for **HCS** for **HB 1003**, **CCS** for **SCS** for **HCS** for **HB 1004**, **CCS** for **SCS** for **HCS** for **HB 1007** and **CCS** for **SCS** for **HCS** for **HB 1012** when the bills were called by the Speaker.

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate,

Brittani Macklin and Issac Robinson, III, St. Louis County.

Senator Graham introduced to the Senate, Coach Dan Clapp, Manager Jeff Echelmeier, Assistant Jim de Jong and players Jeffrey Ausmus, Beau Burkett, Landon Clapp, Nick de Jong, Will Echelmeier, Gus Jackson, Carter Marcks, John Osborne, Ryan Phillips, Ryan Schmidt and Ford Zitsch, members of the 2006 Daniel Boone National All-Star Team, Columbia.

Senator Dougherty introduced to the Senate, his wife Bev, daughters Elizabeth and Bridget and

granddaughter, Dana McFarlane; JoAnn Perkins and Harold Brown; and Dana was made an honorary page.

On motion of Senator Shields, the Senate of the Veto Session of the Second Regular Session of the 93rd General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate

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